

SENATE JOURNAL
REGULAR AND FIRST EXTRAORDINARY
SESSIONS
of the
FORTY-FIFTH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, the State Capitol

Convened Regular Session January 10, 1977.
Adjourned Regular Session *SINE DIE* March 10, 1977.
Convened First Extraordinary Session March 11, 1977.
Adjourned First Extraordinary Session *SINE DIE* June 21, 1977

Volume II

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



DOROTHY GREELEY
Minute and Journal Clerk

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

SENATE CAUCUS OFFICERS

DEMOCRATIC CAUCUS

Majority LeaderGORDON L. WALGREN
**Chairman*GORDON SANDISON
Assistant Majority Leader.....DAN MARSH
Vice ChairmanGEORGE FLEMING
***Secretary*GARY M. ODEGAARD

*Robert C. Bailey resigned March 10, 1977

Gordon Sandison elected Chairman March 10, 1977 (resigned June 21, 1977)

**Gary M. Odegaard elected Chairman June 21, 1977

Bruce A. Wilson elected Secretary June 21, 1977

REPUBLICAN CAUCUS

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

Assistant Secretary.....BILL GLEASON
Sergeant at Arms.....CHARLES L. R. JOHNSON
Secretary to the Secretary..FLORENCE KENDERESI
ReaderVERNE SAWYER

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SEVENTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 19, 1977.

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

The Color Guard, consisting of Pages Laura Hennessey and David Sienko, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD AND FATHER, BECAUSE WE CANNOT SEE THE END FROM THE BEGINNING, WE ARE WARY OF INSTITUTING CHANGES IN LIFE. WE PREFER TO ABIDE BY THE DECISIONS OF THE PAST BECAUSE WE ARE FAMILIAR WITH THEIR CONSEQUENCES AND HAVE LEARNED TO LIVE WITH THEM. AND YET IDEAS TOO HAVE THEIR DAY. PROGRAMS BECOME INEFFECTIVE WITH THE PASSING OF TIME. TO TRULY LIVE IS TO CHOOSE. GIVE US THEN THE WISDOM TO RECOGNIZE WHAT SHOULD BE PRESERVED OF THE PAST AND TO IMPROVE UPON THOSE PATTERNS OF THE PAST THAT HAVE OUTLIVED THEIR USEFULNESS. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 18, 1977.

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

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

Loren Calvin Davidson, appointed May 17, 1977, for a term ending July 1, 1977, succeeding John B. Troup as a member of the Higher Education Personnel Board.

Sincerely,
DIXY LEE RAY
Governor.

MESSAGE FROM THE HOUSE

May 18, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, and the Senate amendments thereto, and the Speaker has appointed as members of the conference committee thereon: Representatives Ehlers, Nelson (Gary) and Charette.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

April 29, 1977.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, and requests a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Clemente, Heck and Barnes.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute House Bill No. 960 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 960, and the Senate amendments thereto: Senators McDermott, Gould and Mardesich.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

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

REPORTS OF STANDING COMMITTEES

May 17, 1977.

SENATE BILL NO. 2235, authorizing a social and health services facilities bond issue (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2235 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 18, 1977.

SENATE BILL NO. 2623, relating to fisheries (reported by Committee on Natural Resources):

Recommendation: That Substitute Senate Bill No. 2623 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Bausch, Beck, Newschwander, Pullen, Rasmussen, Sandison, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

May 18, 1977.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2104, with the following amendments:

On page 1, line 22, after "Sec. 2." insert "For the purposes of sections 1 through 6 of this act, the term "charter boat" shall refer only to those charter boats from which salmon are taken."

On page 3, beginning with the colon on line 29, strike all the material down to and including "act" on line 32.

On page 3, line 29, after "transferable" insert ": PROVIDED, That in order to qualify for licenses in calendar years 1979 and 1980, a vessel must prove by means of a valid fish receiving document that food fish were caught and landed by such vessel in this state or in another state during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought"

On page 4, beginning on line 17, strike all of section 12. Renumber the remaining sections consecutively.

On page 1, line 6, of the title, strike "making an appropriation;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Peterson moved the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 2104.

POINT OF INQUIRY

Senator Lewis: "Would Senator Peterson yield? Senator Peterson, the first two amendments no problem, the third amendment, would you elaborate please, on the meaning—what happens, actually, under these words in which the licenses are granted again to those who, during the last calendar year in which the vessel was legally eligible for licenses, if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought. It appears that the licenses having been revoked in the past are now being reinstated, and we don't know what those causes of revocation were and I wonder if you could enlighten us a bit, please."

Senator Peterson: "Well, I don't think this really changes it that much, Senator Lewis. It goes back to the language that was in the original act on the procurement, you know, and what it does, it clarifies it to the extent that if they were legally eligible for licenses in that period of time, it isn't going to affect them any more now than it would then. New vessel owners or those that are under construction and that part, if that is your fear, I don't think that enters into it at all."

Senator Lewis: "The concern that has been expressed to me is that it appears that there have been some licenses revoked for cause, and that now this amendment is it wiping out any past actions and is it just saying 'OK, those people can now have their licenses renewed.'?"

Senator Peterson: "Well, if they had been revoked for due cause, I suspect that that now would be true that they wouldn't be entitled to come under the program, and I think that is probably rightfully so."

The motion by Senator Peterson carried. The Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 2104.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2104, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder,

Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

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

Excused: Senator Herr—1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2104, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2435, with the following amendments:

On page 1, beginning on line 29, after "in the" strike the remainder of the section through line 15, page 2, and insert "state general fund: PROVIDED, That required matching moneys for federal and state financial aid programs may be exempt from such deposit with approval of the director of the office of program planning and fiscal management."

On page 2, after line 15, insert the following new section:

"NEW SECTION. Sec. 4. If any provision of this 1977 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

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

DEAN R. FOSTER, Chief Clerk.

MOTIONS

On motion of Senator Odegaard, Senator Peterson was excused.

On motion of Senator Odegaard, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 2435, and asks the House to recede therefrom.

On motion of Senator Jones, Senator Cunningham was excused.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2069,

SENATE BILL NO. 2166,

SENATE BILL NO. 2286.

MOTION

At 10:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:12 p.m.

NOON SESSION

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

MESSAGE FROM THE HOUSE

May 17, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3109, with the following amendment:

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

"NEW SECTION. Section 1. A budget is hereby adopted and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, other expenses of the agencies and officers of the state, and for other specified purposes for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979, except as otherwise provided, out of the several funds of the state herein-after named.

Any appropriation or appropriations contained in this act shall be subject to the conditions and limitations set forth in the section making such appropriation or appropriations. Such conditions and limitations shall be strictly construed.

NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	16,882,000
Total Appropriation	\$	16,882,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$12,500 shall be expended for expenses incurred in hosting the 1978 annual meeting of The Council of State Governments, Western Conference.

(2) \$7,500 for the house ethics committee.

(3) \$7,500 for Western Forest Practices Task Force.

(4) \$27,000 for dues of the National Conference of State Legislatures.

(5) \$5,000,000 for the 1979 legislative session.

(6) \$50,000 for a forest residue use study.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation	\$	10,011,500
Total Appropriation	\$	10,011,500

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$25,000 shall be expended for expenses incurred in hosting the 1977 Lieutenant Governors' Annual Conference.

(2) \$7,500 for the senate ethics committee.

(3) \$7,500 for Western Forest Practices Task Force.

(4) \$27,000 for dues of the National Conference of State Legislatures.

(5) Not more than \$12,500 shall be expended for expenses incurred in hosting the 1978 annual meeting of the Council of State Governments, Western Conference.

NEW SECTION. Sec. 4. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$	831,412
Total Appropriation	\$	831,412

The appropriation contained in this section shall be subject to the following condition or limitation: A performance audit of the state library shall be conducted.

NEW SECTION. Sec. 5. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation	\$	864,708
Total Appropriation	\$	864,708

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation	\$	292,000
Total Appropriation	\$	292,000

NEW SECTION. Sec. 7. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$	3,012,769
Total Appropriation	\$	3,012,769

NEW SECTION. Sec. 8. FOR THE SUPREME COURT

General Fund Appropriation	\$	3,610,000
Total Appropriation	\$	3,610,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$747,387 shall be expended exclusively for expenses incurred in perfecting appellate review of indigent cases.

NEW SECTION. Sec. 9. FOR THE LAW LIBRARY

General Fund Appropriation	\$	1,056,000
Total Appropriation	\$	1,056,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$36,000 shall be expended exclusively for joining a computerized legal information system.
- (2) The Revised Code of Washington and appellate case law shall be available on the computerized legal information system.
- (3) All nonstate agency users of the system shall be charged a service fee sufficient to cover the costs of their usage.

NEW SECTION. Sec. 10. FOR THE COURT OF APPEALS

General Fund Appropriation	\$	3,075,000
Total Appropriation	\$	3,075,000

NEW SECTION. Sec. 11. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	6,346,305
Total Appropriation	\$	6,346,305

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$155,194 shall be expended exclusively for criminal cost bills.
- (2) The SCOMIS system shall be 90% complete by June 30, 1979, if LEAA funding is provided.
- (3) Not more than \$1,082,539 in state funds shall be expended exclusively for the development of a judicial information system and the upgrade of the Legislative Information System.
- (4) Not more than \$89,472 shall be expended exclusively for judges pro tem for the superior courts and the administrator for the courts shall authorize and approve all such expenditures.
- (5) Not more than \$4,397,000 shall be expended exclusively for superior court judges.

NEW SECTION. Sec. 12. FOR THE JUDICIAL COUNCIL

General Fund Appropriation	\$	186,219
Total Appropriation	\$	186,219

NEW SECTION. Sec. 13. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	2,436,761
General Fund Appropriation—Federal	\$	200,000
Total Appropriation	\$	2,636,761

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$2,339,165 for executive operations. \$20,000 of such amount shall be expended for negotiating reciprocal agreements with adjoining states.
- (2) \$20,000 for investigation and emergency purposes to be distributed on vouchers approved by the governor.

(3) \$184,096 for extradition expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives when approved by the governor, including prior claims and for legal services as determined by the attorney general.

(4) \$93,500 for mansion maintenance.

NEW SECTION. Sec. 14. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation	\$	1,421,360
Total Appropriation	\$	1,421,360

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$630,000 for the governor's emergency fund to be allocated for the purpose of carrying out the critically necessary work of any agency.

(2) Not more than \$700,000 may be allotted by the governor exclusively for survey and special study purposes.

(3) \$20,000 for the Interstate Nuclear Compact.

(4) \$56,360 for the Council on State Governments.

(5) \$15,000 for the National Association of State Auditors, Comptrollers, and Treasurers Conference.

NEW SECTION. Sec. 15. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$	151,623,271
General Fund Appropriation—Federal	\$	21,419,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	59,818,000
Total Appropriation	\$	232,860,271

The salary and benefit increases provided for in this act (based on current salaries with fiscal year 1979 increases compounded) equate to average percentage increases by jurisdiction as follows:

	STATE PERSONNEL BOARD	HIGHER EDUCATION PERSONNEL BOARD	WASHINGTON STATE PATROL
Salary Increases			
Separate Funding			
Fiscal Year 1978	10.1%	9.35%	10%
Fiscal Year 1979	6%	6%	7%
Total	16.1%	15.35%	17%
Salary Increments			
Funded in Agency Budgets			
Fiscal Year 1978	2.4%	2.4%	2.4%
Fiscal Year 1979	2.4%	2.4%	2.4%
Total	4.8%	4.8%	4.8%
Insurance Benefit Increases			
Fiscal Year 1978	3.7%	4.2%	2.7%
Fiscal Year 1979	0%	0%	0%
Total	3.7%	4.2%	2.7%

Total Percentage Increases

Fiscal Year 1978	16.2%	15.95%	15.1%
Fiscal Year 1979	8.4%	8.4%	9.4%
Total	24.6%	24.35%	24.5%

EXEMPT
PERSONNELFACULTY &
EXEMPT
PERSONNEL
U of WFACULTY &
EXEMPT
PERSONNEL
WSUSalary Increases
Separate Funding

Fiscal Year 1978	10.1%	9%	9%
Fiscal Year 1979	6%	6.5%	6.5%
Total	16.1%	15.5%	15.5%

Salary Increments
Funded in Agency Budgets

Fiscal Year 1978	0%	0%	0%
Fiscal Year 1979	0%	0%	0%
Total	0%	0%	0%

Insurance Benefit Increases

Fiscal Year 1978	2.4%	2.3%	2.4%
Fiscal Year 1979	0%	0%	0%
Total	2.4%	2.3%	2.4%

Total Percentage Increases

Fiscal Year 1978	12.5%	11.3%	11.4%
Fiscal Year 1979	6%	6.5%	6.5%
Total	18.5%	17.8%	17.9%

FACULTY &
EXEMPT
PERSONNEL
CWSCFACULTY &
EXEMPT
PERSONNEL
EWSCFACULTY &
EXEMPT
PERSONNEL
TESCSalary Increases
Separate Funding

Fiscal Year 1978	5%	7%	5%
Fiscal Year 1979	3.2%	4.3%	3.2%
Total	8.2%	11.3%	8.2%

Salary Increments
Funded in Agency Budgets

Fiscal Year 1978	0%	0%	0%
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Fiscal Year 1979	0%	0%	0%
Total	0%	0%	0%

Insurance Benefit Increases

Fiscal Year 1978	2.5%	2.6%	2.4%
Fiscal Year 1979	0%	0%	0%
Total	2.5%	2.6%	2.4%

Total Percentage Increases

Fiscal Year 1978	7.5%	9.6%	7.4%
Fiscal Year 1979	3.2%	4.3%	3.2%
Total	10.7%	13.9%	10.6%

FACULTY &
EXEMPT
PERSONNEL
WWSCFACULTY &
EXEMPT
PERSONNEL
COM. COLL.Salary Increases
Separate Funding

Fiscal Year 1978	9%	9%
Fiscal Year 1979	6.5%	6.5%
Total	15.5%	15.5%

Salary Increments
Funded in Agency Budgets

Fiscal Year 1978	0%	0%
Fiscal Year 1979	0%	0%
Total	0%	0%

Insurance Benefit Increases

Fiscal Year 1978	2.6%	2.8%
Fiscal Year 1979	0%	0%
Total	2.6%	2.8%

Total Percentage Increases

Fiscal Year 1978	11.6%	11.8%
Fiscal Year 1979	6.5%	6.5%
Total	18.1%	18.3%

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$67,054,000 of general fund moneys (including \$16,911,000 in federal funds) shall be expended to effect salary increases for state classified employees and for state employees exempt from the classified service. Not more than \$50,530,000 of this amount (including \$12,744,000 in federal funds) shall be

expended to effect, beginning July 1, 1977, an average of 10.1% salary increases for state classified employees and for comparable salary increases for state employees exempt from the classified service. Not more than \$16,524,000 of this amount (including \$4,167,000 of federal funds) shall be expended to effect, beginning July 1, 1978, an average 6% salary increase for state classified employees and for comparable salary increases for state employees exempt from the classified service.

(2) Not more than \$24,409,075 of general fund moneys shall be expended to effect salary increases for state higher education classified employees excluding student employees not under the jurisdiction of the State Personnel Board or Higher Education Personnel Board. Not more than \$18,033,093 of this amount shall be expended to effect, beginning July 1, 1977, an average 9.35% salary increase for state higher education classified employees. Not more than \$6,375,982 of this amount shall be expended to effect, beginning July 1, 1978, an average 6% salary increase for state higher education classified employees.

(3) Not more than \$29,542,000 of general fund moneys shall be expended to effect salary increases including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. Not more than \$12,899,000 of this amount shall be expended to effect, beginning July 1, 1977, an average 5% salary increase including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. Not more than \$4,197,000 of this amount shall be expended to effect, beginning July 1, 1978, an average 3% salary increase including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. It is the intent of the Legislature to strive for equity in faculty and exempt salaries for the four-year units of higher education. To this end, not more than \$8,871,000 of this amount shall be expended to effect additional salary increases for faculty and exempt employees, effective July 1, 1977, averaging 4% for the University of Washington, Washington State University, and Western Washington State College, and averaging 2% for Eastern Washington State College and not more than \$3,575,000 of this amount shall be expended to effect salary increases for faculty and exempt employees, effective July 1, 1978, averaging 3% for the University of Washington, Washington State University, and Western Washington State College, and averaging 1% for Eastern Washington State College: PROVIDED, That no four-year unit of higher education may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees.

(4) Not more than \$20,236,196 of general fund moneys shall be expended to effect salary increases including increments or their equivalents for faculty and exempt employees of the community college system. Not more than \$14,771,140 of this amount shall be expended to effect, beginning July 1, 1977, an average 9% salary increase including increments or their equivalents for faculty and exempt employees of each community college district: PROVIDED, That no district may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees except that in addition to the increase provided herein, those districts whose actual average faculty salary for 1976-77 is less than that earned from the system's 1976-77 hypothetical schedule may increase the average salary of the faculty and exempt employees in 1977-78 up to the average earned by the district from the hypothetical schedule or 5% whichever is less, as determined from rules and regulations promulgated by the State Board for Community College Education: PROVIDED FURTHER, That collective bargaining negotiations will be completed before individual negotiations take place.

Not more than \$5,465,056 of this amount shall be expended to effect, beginning July 1, 1978, an average 6% salary increase including increments or their equivalents for faculty and exempt employees of each community college district: PROVIDED, That no district may grant from any fund source any additional salary

increase greater than that provided in this act for faculty and exempt employees: PROVIDED FURTHER, That collective bargaining negotiations will be completed before individual negotiations take place.

(5) Not more than \$225,000 of general fund moneys (including \$36,000 in federal funds) shall be expended to effect salary increases for commissioned members of the Washington State Patrol. Not more than \$163,000 of this amount (including \$31,000 in federal funds) shall be expended to effect, beginning July 1, 1977, an average 10% salary increase for commissioned members of the Washington State Patrol. Not more than \$62,000 of this amount (including \$11,000 in federal funds) shall be expended to effect, beginning July 1, 1978, an average 7% salary increase for commissioned members of the Washington State Patrol: PROVIDED, That no additional salary increases may be granted from any fund source greater than those authorized by this act: PROVIDED FURTHER, That the Department of Personnel shall conduct a comprehensive survey for providing salary rates for positions similar (both in-state and out-of-state) to commissioned members of the Washington State Patrol and report back to the Legislature no later than January 15, 1978.

(6) Not more than \$31,573,000 of general fund moneys (including \$4,472,000 in federal funds) shall be expended to effect, beginning July 1, 1977, an increase in the state's maximum contribution for employee insurance benefits from \$35 per month to \$72.50 per month per eligible employee.

(7) Not more than \$44,595,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to provide salary increases for state classified employees and state employees exempt for the classified service. Not more than \$33,605,000 of this amount shall be expended to effect beginning July 1, 1977, an average of 10.1% salary increases. Not more than \$10,990,000 of this amount shall be expended to effect, beginning July 1, 1978, an average of 6.0% salary increases.

(8) Not more than \$91,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to provide salary increases for Higher Education classified employees. Not more than \$67,000 of this amount shall be expended to effect, beginning July 1, 1977, an average of 9.35% salary increases. Not more than \$24,000 of this amount shall be expended to effect, beginning July 1, 1978, an average of 6% salary increases.

(9) Not more than \$4,530,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to provide salary increases for commissioned members of the Washington State Patrol. Not more than \$3,271,000 of this amount shall be expended to effect, beginning July 1, 1977, an average of 10% salary increases. Not more than \$1,259,000 of this amount shall be expended to effect, beginning July 1, 1978, an average of 7% salary increases.

(10) Not more than \$93,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to effect salary increases including increments or their equivalents for University of Washington faculty and exempt employees. Not more than \$38,000 of this amount shall be expended to effect, beginning July 1, 1977, an average 5% increase including increments or their equivalents. Not more than \$12,000 of this amount shall be expended to effect, beginning July 1, 1978, an average 3% increase including increments or their equivalents. It is the intent of the Legislature to strive for equity in faculty and exempt salaries for the four-year units of higher education. To this end, not more than \$31,000 shall be expended to effect additional salary increases, effective July 1, 1977, averaging 4% and not more than \$12,000 shall be expended to effect additional salary increases, effective July 1, 1978, averaging 3%.

(11) Not more than \$11,186,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to effect, beginning July

1, 1977, an increase in the state's maximum contribution for employee insurance benefits from \$35 per month to \$72.50 per month per eligible employee.

(12) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is hereby directed to transfer sufficient income from each special fund to the Special Fund Salary and Insurance Contribution Increase Revolving Fund hereby created in accordance with schedules provided by the Office of Program Planning and Fiscal Management: PROVIDED, That no institution of higher education or community college shall grant any increase in compensation from the funds provided for in this section for student or graduate student employees.

NEW SECTION. Sec. 16. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	148,000
Total Appropriation	\$	148,000

NEW SECTION. Sec. 17. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	2,578,000
Total Appropriation	\$	2,578,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$880,000 shall be expended exclusively for support of the initiatives and referendums program.

NEW SECTION. Sec. 17A. FOR THE WOMEN'S COMMISSION

General Fund Appropriation	\$	198,000
Total Appropriation	\$	198,000

NEW SECTION. Sec. 17B. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	105,340
Total Appropriation	\$	105,340

NEW SECTION. Sec. 18. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	106,633
Total Appropriation	\$	106,633

NEW SECTION. Sec. 19. FOR THE STATE TREASURER

State Treasurer's Service Fund Appropriation	\$	2,983,297
General Fund Appropriation	\$	92,045
Total Appropriation	\$	2,985,342

The appropriations contained in this section shall be subject to the following condition or limitation: The general fund appropriation shall be distributed as provided in RCW 84.38.120 to the appropriate county and city finance officers for senior citizen and disabled property tax and special assessment deferrals authorized by chapter 84.38 RCW.

NEW SECTION. Sec. 20. FOR THE STATE AUDITOR

General Fund Appropriation—State	\$	4,772,000
General Fund Appropriation—Federal	\$	415,000
Motor Vehicle Fund Appropriation	\$	150,000
Total Appropriation	\$	5,337,000

NEW SECTION. Sec. 21. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	2,191,756
Legal Services Revolving Fund Appropriation	\$	11,376,897
Total Appropriation	\$	13,568,653

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$94,715 of the general fund appropriation

shall be expended exclusively to provide attorney general services for Counsel for the Environment.

NEW SECTION. Sec. 22. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation	\$	7,090,000
Total Appropriation	\$	7,090,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$5,825,000 shall be expended exclusively for operations. \$20,000 of such amount shall be expended exclusively for the purpose of entering into a contract with the bureau of the census for block statistics and for preparing maps and related materials for those areas specified in chapter ... (SSB 2356), Laws of 1977 1st ex. sess. An amount not to exceed \$30,000 of this appropriation shall be expended exclusively for a population study to determine long range enrollment demand for higher education. The study shall determine geographical areas of future enrollment growth and decline. The study shall include the construction of a data base sufficient to analyze the future requirements for campus based programs, off-campus based programs and capital budgets. A preliminary report shall be submitted to the legislature by January 1, 1978.

(2) Not more than \$75,000 shall be expended exclusively for payment of assessments against state owned lands.

(3) Not more than \$1,140,000 shall be expended exclusively for payment of supplies and services furnished in prior biennia.

(4) Not more than \$50,000 shall be expended exclusively for the development of a conceptual design and related specifications for a higher education payroll/personnel system which will be consistent with and meet the requirements of the state central accounting system and the state personnel/payroll system. The senate ways and means committee and the house appropriations committee shall approve the conceptual system design and specifications before proceeding with development of the system. A report on the project shall be submitted to the legislature no later than December 1, 1977.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF PERSONNEL

Personnel Service Revolving Fund Appropriation—		
State	\$	6,246,000
Personnel Service Revolving Fund Appropriation—		
Federal	\$	288,000
State Employees' Insurance Fund Appropriation	\$	1,122,000
Data Processing Revolving Fund Appropriation	\$	2,930,000
Total Appropriation	\$	10,586,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$662,000 of the personnel service revolving fund—state appropriation shall be expended exclusively for the personnel/payroll system.

(2) Not more than \$211,347 of the personnel service revolving fund—state appropriation shall be expended exclusively for department of personnel initiated audits.

(3) Funds have been provided in this appropriation to permit the department of personnel to provide the technical training required by the data processing authority to meet the needs expressed in chapter 43.105 RCW.

(4) The department shall conduct a comprehensive survey of providing salary rates for positions similar (both in-state and out-of-state) to commissioned members of the Washington state patrol and report back to the legislature no later than January 15, 1978.

(5) Not more than \$171,204 shall be expended exclusively for the employee suggestion awards program.

NEW SECTION. Sec. 24. FOR THE CAPITOL COMMITTEE

General Fund—Capitol Building Construction		
Account Appropriation	\$	20,000
Total Appropriation	\$	20,000

The appropriation contained in this section shall be subject to the following condition or limitation: If chapter ... (HB 789), Laws of 1977 1st ex. sess. becomes law no expenditures from this appropriation shall be made.

NEW SECTION. Sec. 25. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$	855,000
Data Processing Revolving Fund Appropriation	\$	26,396,192
Total Appropriation	\$	27,251,192

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The authority shall approve the billing rates charged by the state's data processing service centers. The billing format shall be developed in such a manner as to allow rate comparisons between service centers. Initial approval by the authority shall be completed no later than January 1, 1978.

(2) Not more than \$12,384,000 of the data processing revolving fund appropriation shall be expended exclusively for data processing service center number one.

(3) Not more than \$8,847,000 of the data processing revolving fund appropriation shall be expended exclusively for data processing service center number three.

(4) Not more than \$5,165,192 of the data processing revolving fund appropriation shall be expended exclusively for the data processing equipment pool.

(5) Data processing service centers number one and three shall submit, no later than April 1, 1978, an integrated management and budget plan for fiscal year 1979 for approval by the office of program planning and fiscal management and the legislative budget committee.

NEW SECTION. Sec. 26. FOR THE FINANCE COMMITTEE

General Fund—Investment Reserve Account Appropria- tion	\$	799,678
Total Appropriation	\$	799,678

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The committee shall assume full responsibility for the investment management of the state trust and retirement funds.

(2) \$150,000 of the appropriation contained in this section shall be expended exclusively for the purpose of developing the computerized investment management and accounting system.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	25,736,000
General Fund—State Timber Reserve Account		
Appropriation	\$	1,885,000
Motor Vehicle Fund Appropriation	\$	81,000
Total Appropriation	\$	27,702,000

NEW SECTION. Sec. 28. FOR THE TAX APPEALS BOARD

General Fund Appropriation	\$	604,353
Total Appropriation	\$	604,353

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	7,897,127
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Department of General Administration Facilities and Services Revolving Fund Appropriation	\$	9,025,155
General Fund—Motor Transport Account Appropriation	\$	4,486,841
Total Appropriation	\$	21,409,123

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$631,020 of the motor transport account appropriation shall be expended exclusively for increased operating costs associated with additional vehicles being transferred to the motor transport division from other state agencies. Such funds shall be held in reserve and not be available for allotment until a plan for the transfer of vehicles shall have been reviewed and approved by the office of program planning and fiscal management. A report of any amounts approved for allotment shall be filed with the legislative auditor and the auditor shall transmit such report to the house committee on appropriations and the senate committee on ways and means.

(2) The department of agriculture shall transfer \$79,009 from its local fund accounts to the motor transport account and the state treasurer shall transfer to the motor transport account \$125,759 from the state general fund, \$62,725 from the grain and hay inspection fund, \$7,956 from the fertilizer, agricultural, mineral and lime fund, \$27,160 from the accident fund and \$4,075 from the commercial feed fund. These transfers shall be in accordance with schedules provided by the office of program planning and fiscal management.

(3) Not more than \$220,000 of the general fund appropriation and 6 FTE staff years shall be expended exclusively for upkeep and maintenance of the Northern State Hospital facility for the period July 1, 1977, through June 30, 1978.

(4) Not more than \$131,267 of the general fund appropriation shall be expended exclusively to implement the risk management office.

NEW SECTION. Sec. 30. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	4,711,789
Total Appropriation	\$	4,711,789

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,166,415 shall be expended exclusively for support of the Fire Safety and Regulation Program.

(2) Whenever the Insurance Companies Reimbursement Fund—Local exceeds \$269,240, there shall be a corresponding amount of state funds put into reserve.

NEW SECTION. Sec. 31. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	2,064,170
General Fund Appropriation for snowmobile registration fee distribution	\$	34,779
General Fund Appropriation for public utility district excise tax distribution	\$	13,728,000
General Fund Appropriation for prosecuting attorneys salaries	\$	1,129,226
General Fund Appropriation for motor vehicle excise tax distribution	\$	32,270,709
General Fund Appropriation for local mass transit assistance	\$	47,174,038
General Fund Appropriation for travel trailer and camper excise tax distribution	\$	1,687,563

General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	244,030
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	16,360,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	134,042,500
Liquor Board Revolving Fund Appropriation for liquor profits distribution	\$	44,600,000
State Timber Tax Account "A" Appropriation for distribution to "Timber" Counties	\$	26,580,000
State Timber Reserve Account Appropriation for distribution to "Timber" Counties	\$	37,260,000
State Timber Tax Account "B" Appropriation for distribution to "Timber" Counties	\$	2,950,000

NEW SECTION. Sec. 32. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution	\$	34,498,000
General Fund Appropriation for federal flood control funds distribution	\$	22,000
General Fund Appropriation for federal grazing fees distribution	\$	42,000

NEW SECTION. Sec. 33. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST

Highway Bond Retirement Fund Appropriation	\$	66,286,783
Toll Bridge Authority Bond Redemption Fund 1977 Appropriation	\$	1,017,000
Public School Building Bond Redemption Fund 1959 Appropriation	\$	4,776,350
Public School Building Bond Redemption Fund 1961 Appropriation	\$	7,384,258
Public School Building Bond Redemption Fund 1963 Appropriation	\$	8,657,390
Public School Building Bond Redemption Fund 1965 Appropriation	\$	2,446,350
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,925,160
University of Washington Bond Retirement Fund Appropriation	\$	3,304,360
Washington State University Bond Retirement Fund Appropriation	\$	2,365,950
Washington State University Bond Redemption Fund 1977 Appropriation	\$	276,683
Central Washington State College Bond Retirement Fund Appropriation	\$	873,660
Eastern Washington State College Bond Retirement Fund Appropriation	\$	938,465
Western Washington State College Bond Retirement Fund Appropriation	\$	1,277,092
The Evergreen State College Bond Retirement Fund 1967 Appropriation	\$	374,524
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,393,670

State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,234,150
Higher Education Bond Redemption Fund 1975-76 Appropriation	\$	2,028,119
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	992,596
Higher Education Bond Redemption Fund 1977 Approp- riation	\$	150,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,516,634
Community College Capital Construction Bond Redemp- tion Fund 1975 Appropriation	\$	7,418,504
Indian Cultural Center Construction Bond Redemption Fund of 1976 Appropriation	\$	104,704
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,731,014
Community College Building Bond Retirement Fund 1977 Appropriation	\$	313,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	298,124
Institutional Building Bond Redemption Fund 1957 Appropriation	\$	3,569,480
State Building Construction Bond Redemption Fund Appropriation	\$	5,668,016
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation	\$	8,544,003
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	9,757,993
Fisheries Bond Redemption Fund 1976 Appropriation	\$	777,984
Fisheries Bond Redemption Fund 1977 Appropriation	\$	391,000
Fisheries Salmon Enhancement Bond Redemption Fund Appropriation	\$	391,000
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropriation	\$	624,025
General Administration Building Bond Redemption Fund Appropriation	\$	674,139
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,451,980
State Building Bond Redemption Fund 1967 Appropria- tion	\$	651,310
State Building Bond Retirement Fund 1975 Appropria- tion	\$	797,871
State Building Bond Redemption Fund 1973A Appropria- tion	\$	389,720
State Building Bond Redemption Fund 1973 Appropria- tion	\$	3,938,398
State Facilities Bond Redemption Fund 1977 Appropria- tion	\$	235,000
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,001,772
Social and Health Services Bond Redemption Fund 1975-76 Appropriation	\$	3,214,625
Outdoor Recreational Bond Redemption Fund Appropria- tion	\$	2,323,491

Recreation Improvements Bond Redemption Fund		
Appropriation	\$	4,775,630
Water Pollution Control Facilities Bond Redemption		
Fund 1967 Appropriation	\$	3,855,866
Outdoor Recreational Bond Redemption Fund 1967		
Appropriation	\$	6,290,278
State Building Authority Bond Redemption Fund Approp-		
riation	\$	9,916,880
Waste Disposal Facilities Bond Redemption Fund		
Appropriation	\$	8,740,396
Water Supply Facilities Bond Redemption Fund Approp-		
riation	\$	8,564,387
Emergency Water Projects Bond Redemption Fund of		
1977 Appropriation	\$	2,750,450
DSHS Facilities Bond Redemption Fund of 1977 Approp-		
riation	\$	235,000

NEW SECTION. Sec. 34. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	815,435
Total Appropriation	\$	815,435

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS

General Fund Appropriation	\$	345,886,500
Retirement System Expense Fund Appropriation	\$	3,150,100
Teachers' Retirement Fund Appropriation	\$	680,700
Motor Vehicle Fund Appropriation	\$	25,000
Total Appropriation	\$	349,742,300

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$2,773,400 of the retirement system expense fund appropriation contained in this section shall be expended for administration of the Washington public employees' retirement system.

(2) Not more than \$376,700 of the retirement system expense fund appropriation contained in this section shall be expended for administration of the Law Enforcement Officers' and Fire Fighters' Retirement System.

(3) \$9,400 of the general fund appropriation contained in this section shall be expended for the administrative expenses of the judicial retirement system.

(4) \$140,100,000 of the general fund appropriation contained in this section shall be expended for contributions to the LEOFF system.

(5) \$121,000 of the general fund appropriation contained in this section shall be expended for contributions to the judicial retirement system.

(6) \$199,400,000 of the general fund appropriation contained in this section (of which \$69,000,000 is to be from federal revenue sharing funds received during the 1977-79 biennium) shall be expended for contributions to the teachers' retirement system.

(7) \$680,700 of the general fund appropriation contained in this section shall be expended for the state portion of the administrative expenses of the teachers' retirement system.

(8) \$584,000 of the general fund appropriation contained in this section shall be expended for contribution to the judges' retirement system.

(9) \$400 of the general fund appropriation contained in this section shall be expended for administrative expenses of the judges' retirement system.

(10) \$25,000 of the motor vehicle fund appropriation contained in this section shall be expended for administrative expenses of the Washington state patrol retirement system.

(11) \$680,700 of the teachers' retirement fund appropriation shall be expended for the members' portion of the administrative expenses of the teachers' retirement system.

(12) Not more than \$4,991,000 of the general fund appropriation shall be expended within the teachers' retirement system to provide an ad hoc increase for the 1977-79 biennium in the minimum pension provided in RCW 41.32.497, to eight dollars and fifty cents per month for each year of creditable service to all members who retired prior to April 25, 1973.

NEW SECTION. Sec. 36. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	850,000
Total Appropriation	\$	850,000

NEW SECTION. Sec. 37. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	19,881
Total Appropriation	\$	19,881

NEW SECTION. Sec. 38. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	381,000
Total Appropriation	\$	381,000

NEW SECTION. Sec. 39. FOR THE ATHLETIC COMMISSION

General Fund Appropriation	\$	47,529
Total Appropriation	\$	47,529

NEW SECTION. Sec. 40. FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation	\$	42,000
Total Appropriation	\$	42,000

NEW SECTION. Sec. 41. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	1,452,000
Total Appropriation	\$	1,452,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) If there are more than 499 racing days during the 1977-79 biennium, the governor is hereby authorized to allocate such additional funds as may be required.

NEW SECTION. Sec. 42. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation	\$	46,586,745
Total Appropriation	\$	46,586,745

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$888,596 of the appropriation contained in this section shall be expended exclusively for the opening of 23 new stores and 30 new agencies during the 1977-79 biennium and not more than 37.5 FTE staff years shall be expended for operation of new stores.

NEW SECTION. Sec. 43. FOR THE PHARMACY BOARD

General Fund Appropriation	\$	602,726
Total Appropriation	\$	602,726

NEW SECTION. Sec. 44. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State	\$	10,468,000
Public Service Revolving Fund Appropriation—Federal	\$	205,000

Grade Crossing Protective Fund Appropriation	\$	1,107,000
Total Appropriation	\$	11,780,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$525,000 from the grade crossing protective fund appropriation shall be expended exclusively for obligations incurred in the 1975-77 biennium for the grade crossing protective program.

(2) Not more than \$1,730,000 from the Public Service Revolving Fund Appropriation—State and \$55,000 from the Public Service Revolving Fund Appropriation—Federal shall be expended exclusively for the utilities program.

NEW SECTION. Sec. 45. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund

Appropriation	\$	85,490
Total Appropriation	\$	85,490

The appropriation contained in this section shall be subject to the following condition or limitation: \$2,000 shall be expended exclusively for actuarial services.

NEW SECTION. Sec. 46. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	423,403
General Fund Appropriation—Federal	\$	1,861,891
Total Appropriation	\$	2,285,294

NEW SECTION. Sec. 47. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	4,331,000
General Fund Appropriation—Federal	\$	492,000
Total Appropriation	\$	4,823,000

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$176,930 shall be expended exclusively for major maintenance and repair of installations.

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF PRINTING

State Printing Plant Revolving Fund Appropriation	\$	21,068,000
Total Appropriation	\$	21,068,000

NEW SECTION. Sec. 49. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	840,000
Total Appropriation	\$	840,000

NEW SECTION. Sec. 50. THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

State Funding Sources	\$	985,301,120
Federal Funding Sources	\$	714,128,821
Other Funding Sources	\$	1,452,000
Total Funding Sources For Department	\$	1,700,881,941
Total FTE Staff Years For Department		26,123

The appropriations contained in sections 51 through 60 of this act shall be subject to the following conditions and limitations:

(1) There shall be no transfer of funds or full time equivalent staff years between programs.

(2) Any funds derived from settlement of litigation against the United states government shall be deposited in the state general fund by the state treasurer and no expenditure shall be made therefrom without specific legislative appropriation pursuant to law.

(3) All program savings realized by the department in dollars shall be placed in a reserve account within the department on a quarterly basis in the respective fiscal year. FTE staff years shall be held in reserve. The department may make expenditures from such account and FTE staff years reserve only upon express authorization from the office of program planning and fiscal management.

(4) The department shall not initiate any new services beyond those authorized by specific appropriation in this act.

(5) The department shall not impose rateable reduction in any public assistance grant payments for which funds are appropriated in sections 55 through 58 of this act.

(6) Reappropriations contained in section 61 of this act shall be accounted and allotted separately from all other categorical appropriations.

(7) The secretary shall structure the planning process for social services as provided by Title XX of the Social Security Act of 1935, as amended, to reflect the time frame of the state budgetary process. Further, the secretary shall report to the appropriate committees of the legislature on or before January 1 of each year on the extent of the impact of Title XX local plans upon the respective budget proposals.

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITATION PROGRAM.

State Funding Sources	\$	83,772,941
Federal Funding Sources	\$	999,000
Total Funding Sources For Program	\$	84,771,941
Total FTE Staff Years For Program		3,748

COMMUNITY REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	19,409,941
General Fund Appropriation—Federal	\$	999,000
Total Appropriation	\$	20,408,941
Total FTE Staff Years		881

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation	\$	19,913,000
Total Appropriation	\$	19,913,000
Total FTE Staff Years		906

CUSTODY CATEGORY.

General Fund Appropriation	\$	20,452,000
Total Appropriation	\$	20,452,000
Total FTE Staff Years		1,372

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation	\$	536,000
Total Appropriation	\$	536,000
Total FTE Staff Years		26

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation	\$	23,462,000
Total Appropriation	\$	23,462,000
Total FTE Staff Years		563

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) A new 100 bed honor camp shall be established. Up to 54 FTE staff years and \$1,355,000 may be expended.

(2) A minimum security facility for up to 50 inmates shall be established at the Washington State Penitentiary. Up to 33 FTE staff years and \$582,000 may be expended.

(3) Clearwater Honor Camp shall be expanded. Up to 10 FTE staff years and \$135,000 may be expended.

(4) Up to an additional 12 FTE staff years and \$175,000 may be expended at the Firlands Correctional Center.

(5) Six new minimum security work training release facilities for up to 150 inmates from institutions shall be established. Up to 31 FTE staff years and \$1,194,000 may be expended.

(6) Custody staff shall be increased. Up to 99 FTE staff years and \$1,355,000 may be expended.

(7) Up to 15 FTE staff years and \$200,000 shall be expended to expand the institutional counseling program.

(8) Adult probation and parole services shall be increased. Up to 48 FTE staff years and \$800,000 may be expended.

(9) The Corporate Task Force for diversion of felons from institutions shall be funded. Up to \$773,000 may be expended. Reimbursement shall be at a rate not to exceed \$13.85 per day based on actual services provided.

(10) The department shall provide for the establishment and implementation of a program for ex felons that includes an employment plan, employment orientation, employer orientation, job placement, and follow-up services. Up to \$675,000 shall be expended exclusively for this program.

(11) The classification and work units shall be continued. Up to 67 FTE staff years and \$2,355,000 including \$496,000 from LEAA funds may be expended.

(12) Intensive parole supervision shall be continued. Up to 21 FTE staff years and \$610,000 including \$503,000 from LEAA funds may be expended.

(13) Community correctional programs shall be funded. Up to 10 FTE staff years and \$894,941 may be expended for the period July 1, 1977, to June 30, 1978. Of this sum, no more than 10 FTE staff years and \$194,941 shall be expended to plan, administer, monitor, and evaluate community correctional programs, which may include, but are not limited to, deferred and suspended sentencing programs, preprosecutorial diversionary programs, restitution, treatment, rehabilitation, special probation programs, and appropriate case management and supervision. Up to \$700,000 shall be expended for grants to such programs which meet departmental standards. In allocating these funds, priority shall be given to existing programs which have been effective in safely reducing commitments to state correctional institutions, but whose funding sources have been exhausted or significantly depleted. This appropriation shall not take effect if Second Substitute House Bill No. 307 (45th legislative session) becomes law.

NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION SERVICES PROGRAM.

State Funding Sources	\$	44,967,000
Federal Funding Sources	\$	1,153,000
Total Funding Sources For Program	\$	46,120,000
Total FTE Staff Years For Program		1,998

COMMUNITY REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	14,848,000
General Fund Appropriation—Federal	\$	406,000
Total Appropriation	\$	15,254,000
Total FTE Staff Years		331

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation	\$	18,489,000
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Total Appropriation	\$	18,489,000
Total FTE Staff Years		1,164

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation	\$	500,000
Total Appropriation	\$	500,000
Total FTE Staff Years		41

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	11,130,000
General Fund Appropriation—Federal	\$	747,000
Total Appropriation	\$	11,877,000
Total FTE Staff Years		462

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) Community programs selected by the department shall be funded. Delinquency prevention services shall be considered to be a community program. Up to \$3,877,000 may be expended.

(2) Community based diagnostic centers shall be funded. Up to 10 FTE staff years and \$500,000 may be expended.

NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM.

State Funding Sources	\$	75,278,000
Federal Funding Sources	\$	13,266,000
Local Funding Sources	\$	1,083,000
Total Funding Sources For Program	\$	89,627,000
Total FTE Staff Years For Program		2,413

COMMUNITY SERVICES CATEGORY.

General Fund Appropriation—State	\$	26,876,000
General Fund Appropriation—Federal	\$	5,624,000
General Fund Appropriation—Local	\$	1,083,000
Total Appropriation	\$	33,583,000
Total FTE Staff Years		18

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	25,395,000
General Fund Appropriation—Federal	\$	1,437,000
Total Appropriation	\$	26,832,000
Total FTE Staff Years		1,722

ALCOHOLISM CATEGORY.

General Fund Appropriation—State	\$	8,559,000
General Fund Appropriation—Federal	\$	3,641,000
Total Appropriation	\$	12,200,000
Total FTE Staff Years		34

DRUG ABUSE CATEGORY.

General Fund Appropriation—State	\$	138,000
General Fund Appropriation—Federal	\$	1,581,000
Total Appropriation	\$	1,719,000
Total FTE Staff Years		24

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—Federal	\$	374,000
Total Appropriation	\$	374,000

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	14,625,000
General Fund Appropriation—Federal	\$	944,000
Total Appropriation	\$	15,569,000
Total FTE Staff Years		615

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) Community services to seriously mentally ill children and adults shall be expanded. Not more than \$23,612,000 in total may be expended for community mental health programs for the seriously mentally ill. Such amount includes a vendor rate increase up to 5.5% in each year of the biennium.

(2) Involuntary treatment services shall be continued. Up to \$6,940,000 may be expended.

(3) Vendor rates for drug abuse services shall be increased up to 5.5% in each year of the biennium. Up to \$6,000 may be expended for this increase.

(4) Vendor rates for alcoholism detoxification services shall be increased up to 5.5% in each year of the biennium. Up to \$73,000 may be expended for this increase.

(5) Existing drug abuse staff of the planning and community affairs agency shall be transferred to the department. Up to 24 FTE staff years and \$1,719,000 including \$1,581,000 from federal funds may be expended for this program.

(6) Construction moneys shall be provided for the Greater Lakes Mental Health facility. Up to \$63,272 may be expended as state matching funds contingent upon matching funds being available from local and federal sources.

(7) Up to \$230,000 shall be transferred to the department of personnel for its alcoholism program for state employees. \$132,000 of this amount may be expended for expansion of services to other geographical locations.

(8) A new mentally ill offender ward shall be established and operated at Western State Hospital. Up to 30 FTE staff years and \$436,000 may be expended for this increase.

(9) Not less than \$650,000 including \$335,000 from federal funds shall be expended to establish and operate a geriatric mental health unit at northern state hospital, additional funds and staff for the operation of said unit to be obtained by shifts from existing programs. The department shall submit to the office of program planning and fiscal management and the legislative budget committee no later than September 1, 1977, a report which shall include:

- (a) Sources and description of client population;
- (b) Impact of the unit upon
 - (i) other mental health facilities and services, and
 - (ii) the surrounding community;
- (c) Integration of the unit with other programs proposed for the northern state hospital site; and
- (d) Cost effectiveness comparison of the unit with existing alternatives. The unit shall not become operational without the approval of both the office of program planning and fiscal management and the legislative budget committee.

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM.

State Funding Sources	\$	85,394,000
Federal Funding Sources	\$	33,025,000
Total Funding Sources For Program	\$	118,419,000
Total FTE Staff Years For Program		5,798

COMMUNITY SERVICES CATEGORY.

General Fund Appropriation—State	\$	13,389,000
General Fund Appropriation—Federal	\$	10,657,000

Total Appropriation	\$	24,046,000
Total FTE Staff Years		243

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	43,164,000
General Fund Appropriation—Federal	\$	13,196,000
Total Appropriation	\$	56,360,000
Total FTE Staff Years		4,023

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	951,000
General Fund Appropriation—Federal	\$	4,971,000
Total Appropriation	\$	5,922,000
Total FTE Staff Years		122

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	27,890,000
General Fund Appropriation—Federal	\$	4,201,000
Total Appropriation	\$	32,091,000
Total FTE Staff Years		1,410

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) Home aid respite care shall be provided. Such care shall not include regular or continuous day care. "Respite care" as used herein means an interval of temporary relief or rest not to exceed a total of 21 days for any one client in any fiscal year. Up to \$1,100,000 may be expended for this activity.

(2) Home aid therapeutic services shall be provided. Up to \$202,000 may be expended for this activity.

(3) Extended home aid day care services shall be provided. Up to \$145,000 may be expended for this activity.

(4) Vendor rates for group homes shall be increased by up to 5.5% in each year of the biennium based on allocations according to the department's cost reimbursement system for such vendors.

(5) The available beds in group homes shall be increased by up to 106, phased-in by the addition of up to 43 in the first year of the biennium and up to an additional 63 in the second year of the biennium. Up to \$306,000 may be expended for this increase.

(6) Up to \$250,000 shall be expended exclusively to increase salaries for Group Home resident care nonprofessional employees.

(7) Vendor rates for developmental centers shall be increased by up to 5.5% in each year of the biennium.

(8) Up to three state residential training centers may be opened. Up to 101.4 FTE staff years and \$1,808,000 may be expended in total.

(9) The department shall develop a schedule of contribution payments that may be charged to parents of developmentally disabled children. The schedule shall set forth amounts chargeable on the basis of parental financial ability to pay, measured by income, number of dependents, and other factors deemed relevant by the department including the federal poverty level. No amount may be charged which exceeds the actual average cost of providing domiciliary care services to a child in residential placement, but different schedules may be developed for the various institutions or group home programs to reflect differing costs of care.

The schedule developed under this subsection shall be submitted no later than January, 1978, to the legislature: PROVIDED, That no schedule shall be implemented until approved by the legislature.

(10) Up to \$67,000 may be expended for career opportunities for the deaf.

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE PROGRAM.

State Funding Sources	\$ 294,021,000
Federal Funding Sources	\$ 233,090,000
Total Funding Sources For Program	\$ 527,111,000
Total FTE Staff Years For Program	3,179

MAINTENANCE GRANTS CATEGORY.

General Fund Appropriation—State	\$ 264,661,000
General Fund Appropriation—Federal	\$ 193,680,000
Total Appropriation	\$ 458,341,000

OTHER ASSISTANCE CATEGORY.

General Fund Appropriation—State	\$ 2,820,000
General Fund Appropriation—Federal	\$ 1,154,000
Total Appropriation	\$ 3,974,000
Total FTE Staff Years	62

ELIGIBILITY DETERMINATION CATEGORY.

General Fund Appropriation—State	\$ 12,736,000
General Fund Appropriation—Federal	\$ 15,720,000
Total Appropriation	\$ 28,456,000
Total FTE Staff Years	1,747

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—Federal	\$ 13,067,000
Total Appropriation	\$ 13,067,000

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$ 13,804,000
General Fund Appropriation—Federal	\$ 9,469,000
Total Appropriation	\$ 23,273,000
Total FTE Staff Years	1,370

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) Assistance grants shall be increased by up to 5.5% in each year of the biennium. Up to \$52,564,000 including \$17,152,000 from federal funds shall be expended. SSI increases may be higher than 5.5% if necessary in order to pass along federal grant increases.

(2) Up to \$23,485,000 including \$7,057,000 from federal funds shall be expended to fund catch-up grant increases recommended by the department's study of public assistance standards.

(3) Grant maxima shall be eliminated. Up to \$368,000 including \$190,000 from federal funds shall be expended.

(4) The continuing general assistance standard shall be paid to unemployed employable persons who meet the eligibility requirements for noncontinuing general assistance. Up to \$6,090,000 shall be expended.

(5) Up to \$18,576,000 shall be provided for chore services.

(6) Up to \$21,333,000 including \$6,345,000 from federal funds shall be expended to remove the grant differences between Area 1 and Area 2.

(7) Up to \$500,000 shall be expended exclusively to increase salaries for resident care nonprofessional employees in congregate care facilities.

(8) Vendor rates shall be increased by up to 5.5% in each year of the biennium. Up to \$1,825,000 shall be expended.

(9) The department shall implement the Washington Employment Security Test Program to include a program of supported work within the state for a broad

range of the department's clients. The department shall report to the legislature in January, 1978, and January, 1979, on the status of such programs. The department shall make maximum use of CETA funds available to implement this program. The department shall apply to the federal government for demonstration funds to assist in the accomplishment of this purpose and shall explore development of any federal legislation or regulatory waivers required to accomplish this purpose. Any such unanticipated federal funds received specifically to implement this program shall be in addition to all other sums appropriated in this act.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM.

State Funding Sources	\$ 74,096,000
Federal Funding Sources	\$ 87,564,000
Total Funding Sources For Program	\$ 161,660,000
Total FTE Staff Years For Program	3,400

FAMILY AND CHILDRENS' SERVICES CATEGORY.

General Fund Appropriation—State	\$ 52,733,000
General Fund Appropriation—Federal	\$ 51,924,000
Total Appropriation	\$ 104,657,000
Total FTE Staff Years	2,006

ADULT SERVICES CATEGORY.

General Fund Appropriation—State	\$ 14,344,000
General Fund Appropriation—Federal	\$ 23,893,000
Total Appropriation	\$ 38,237,000
Total FTE Staff Years	686

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$ 430,000
General Fund Appropriation—Federal	\$ 1,451,000
Total Appropriation	\$ 1,881,000
Total FTE Staff Years	41

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$ 6,589,000
General Fund Appropriation—Federal	\$ 10,296,000
Total Appropriation	\$ 16,885,000
Total FTE Staff Years	667

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) A cost reimbursement rate setting system for private group care facilities shall be established. Up to \$1,598,000 including \$98,000 from federal funds may be expended.

(2) Foster care rates shall be increased up to 5.5% in each year of the biennium. Up to \$270,000 including \$52,000 from federal funds may be expended.

(3) Vendor rates shall be increased up to 5.5% in each year of the biennium. Up to \$5,294,000 including \$1,572,000 from federal funds may be expended.

(4) A maximum effort toward shortening foster care length of stay and increasing adoptive placements shall be made.

(5) Up to \$24,761,000, including \$20,950,000 from federal funds, shall be expended for day care services. Day care services shall be expanded to provide assistance to non-AFDC recipient families in meeting their day care costs. Day care expenses for single working parents, two parent working families, and two parent families where one parent is disabled and the other parent employed shall be subsidized in proportion to their ability to pay. Parents shall participate and share in

paying for day care such that 50 percent of all earned income in excess of grant standards plus work expenses be applied toward the cost of day care. Up to \$7,850,000, including \$5,887,000 from federal funds, shall be expended exclusively for this program expansion subject to continuation of special federal funding for day care now provided under PL 94-401.

(6) An expanded crisis intervention program based on keeping families together at the point at which they are about to break up and have one or more members institutionalized shall be funded. Up to \$400,000 may be expended to expand this program.

(7) Senior citizen services shall be continued as authorized by chapter 131, Laws of 1975-'76 2nd ex. sess. on the effective date of this act. In addition those other senior citizen programs operating in fiscal year 1977 may continue. Up to 43 FTE staff years and \$28,990,000 including \$18,416,000 from federal funds may be expended.

(8) Specialized foster care rates for disturbed adolescents and children shall be increased to equal the rates for the grossly retarded or severely handicapped. Up to \$451,000 in state funds may be expended.

(9) Up to \$56,000 including \$11,000 from federal funds may be expended to fund catch-up grant increases recommended by the department's study of public assistance standards.

(10) The department shall complete the development of work load standards for the community social services program and begin the implementation of such standards. Not later than December 1, 1977, the department shall report the results of such development and implementation to the house appropriations committee and senate ways and means committee for their review.

(11) Up to 55 FTE staff years and \$881,000 shall be expended exclusively to increase foster care services.

(12) Child protective services shall be considered a priority service within community social services. When workload problems occur caseworkers shall be diverted from lower priority service areas, except foster care.

(13) Work incentive program staffing may be increased. Up to 12 FTE staff years and \$201,000 including \$181,000 from federal funds shall be expended.

(14) Up to \$950,000 may be expended for the maintenance and operation of rape crisis centers which provide services to victims of rape and sexual assault. \$450,000 shall be held in the general fund account and may be expended only upon approval and receipt of federal funds.

NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM.

State Funding Sources	\$	261,711,179
Federal Funding Sources	\$	230,485,821
Total Funding Sources For Program	\$	492,197,000
Total FTE Staff Years For Program		895

GENERAL MEDICAL ASSISTANCE CATEGORY.

General Fund Appropriation—State	\$	249,730,179
General Fund Appropriation—Federal	\$	214,766,821
Total Appropriation	\$	464,497,000

PREVENTION OF BLINDNESS ASSISTANCE CATEGORY.

General Fund Appropriation—State	\$	1,617,000
General Fund Appropriation—Federal	\$	1,323,000
Total Appropriation	\$	2,940,000
Total FTE Staff Years		5

ELIGIBILITY DETERMINATION CATEGORY.

General Fund Appropriation—State	\$	2,033,000
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General Fund Appropriation—Federal	\$	1,650,000
Total Appropriation	\$	3,683,000
Total FTE Staff Years		262

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	8,331,000
General Fund Appropriation—Federal	\$	12,746,000
Total Appropriation	\$	21,077,000
Total FTE Staff Years		628

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) Up to \$34,033,000 including \$13,097,000 from federal funds shall be expended for an inflationary increase for hospital provider payments.

(2) Up to \$3,706,000 including \$1,903,000 from federal funds shall be expended for an inflationary increase for drug payments.

(3) Up to \$11,119,000 including \$5,434,000 from federal funds shall be expended for an inflationary increase in other vendor payments.

(4) Up to \$566,000 including \$76,000 from federal funds shall be expended for resuming general assistance for persons who are receiving training in the vocational rehabilitation program.

(5) Cost reimbursement rates for nursing home vendors shall be increased for inflation up to \$15,531,000 including \$8,308,000 from federal funds.

(6) Up to \$12,351,000 including \$6,376,821 from federal funds shall be expended exclusively to increase salaries for nonprofessional nursing home employees involved in direct and indirect patient care.

(7) Claims processing and medical service review shall be increased. Up to 24 FTE staff years and dollar savings resulting from the use of the medicaid management information system may be expended in an amount up to \$408,000.

(8) The nursing home audit staff shall be increased. Up to \$478,000 including \$191,000 from federal funds may be expended for this increase.

(9) The department shall not modify its method of disbursement of property and related cost payments to nursing homes, as that method was in existence on April 1, 1977, without the prior approval of the senate ways and means committee and the house appropriations committee.

(10) Full scope medical care shall be provided for unemployed employable recipients of general assistance. Up to \$837,000 may be expended for this increase in medical care.

(11) Up to \$2,000,000 shall be expended to increase voluntary inpatient care for local hospitals for acutely mentally ill patients.

(12) The department shall consider only medical necessity as a standard for approving or denying requests for in-patient hospital services. The department shall report to the legislature in January, 1978 and January, 1979 on the standards and procedures used for approving or denying payment for in-patient hospital services, the number of requests for payment for such services approved and the number denied, and the total cost to the state of such services approved for payment.

NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM.

State Funding Sources	\$	17,776,000
Federal Funding Sources	\$	40,889,000
Private/Local Funding Sources	\$	358,000
Total Funding Sources For Program	\$	59,023,000
Total FTE Staff Years For Program		861

PERSONAL HEALTH IMPROVEMENT CATEGORY.

General Fund Appropriation—State	\$	7,359,000
General Fund Appropriation—Federal	\$	18,499,000
General Fund Appropriation—Private/Local	\$	358,000
Total Appropriation	\$	26,216,000
Total FTE Staff Years		398

PATIENT CARE CATEGORY.

General Fund Appropriation—State	\$	4,121,000
General Fund Appropriation—Federal	\$	2,635,000
Total Appropriation	\$	6,756,000
Total FTE Staff Years		38

HEALTH SYSTEMS IMPROVEMENT CATEGORY.

General Fund Appropriation—State	\$	4,710,000
General Fund Appropriation—Federal	\$	7,469,000
Total Appropriation	\$	12,179,000
Total FTE Staff Years		333

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	355,000
General Fund Appropriation—Federal	\$	12,037,000
Total Appropriation	\$	12,392,000
Total FTE Staff Years		28

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	1,231,000
General Fund Appropriation—Federal	\$	249,000
Total Appropriation	\$	1,480,000
Total FTE Staff Years		64

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) Family planning services shall be increased up to a total level of \$10,820,000 including \$3,078,000 from federal Title XX funds. Title XX funds shall be expended to purchase increased services from family planning clinics.

(2) Kidney center funding in this program shall be continued. Up to \$690,000 may be expended in the public health program to fund kidney centers.

(3) Existing health planning staff of the planning and community affairs agency shall be transferred to the department. Up to 17.4 FTE staff years and \$1,000,000, including \$630,000 from federal funds, may be expended for this activity. Of this total, 4 FTE staff years shall be expended exclusively for permanent professional staff to serve the state health coordinating council.

(4) Up to \$355,000 of the general fund appropriation—state shall be expended exclusively to provide local matching funds to purchase equipment for the 6th and 7th floors of the Fred Hutchinson Cancer Research Center.

(5) Up to \$206,000 and 15 FTE staff years shall be expended for the expansion of birth defect and metabolic disorder screening and testing.

(6) Up to \$229,000 and 5.6 FTE staff years shall be expended for the expansion of the dental rinsing program for children.

(7) Up to \$575,000 and 6 FTE staff years shall be expended for the implementation of the Safe Drinking Water Act.

(8) Up to \$200,000 and 4 FTE staff years shall be expended for implementing a blood pressure control screening program.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM.

State Funding Sources	\$	5,997,000
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Federal Funding Sources	\$	38,323,000
Local Funding Sources	\$	11,000
Total Funding Sources For Program	\$	44,331,000
Total FTE Staff Years For Program		775

REHABILITATION SERVICES—GENERAL CATEGORY.

General Fund Appropriation—State	\$	1,821,000
General Fund Appropriation—Federal	\$	27,081,000
Total Appropriation	\$	28,902,000
Total FTE Staff Years		532

REHABILITATIVE FACILITIES AND SHELTERED WORKSHOPS—GENERAL CATEGORY.

General Fund Appropriation—State	\$	2,722,000
General Fund Appropriation—Federal	\$	5,278,000
General Fund Appropriation—Local	\$	11,000
Total Appropriation	\$	8,011,000
Total FTE Staff Years		52

REHABILITATIVE SERVICES FOR THE BLIND CATEGORY.

General Fund Appropriation—State	\$	992,000
General Fund Appropriation—Federal	\$	3,376,000
Total Appropriation	\$	4,368,000
Total FTE Staff Years		112

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	147,000
General Fund Appropriation—Federal	\$	1,326,000
Total Appropriation	\$	1,473,000
Total FTE Staff Years		18

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	315,000
General Fund Appropriation—Federal	\$	1,262,000
Total Appropriation	\$	1,577,000
Total FTE Staff Years		61

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to make provision for the following:

(1) Up to \$207,000 including \$176,000 from federal funds may be expended to increase case services.

(2) The number of developmentally disabled clients in sheltered workshops shall be increased by 395 clients during the biennium. Up to 6 FTE staff years and \$732,000 including \$549,000 from federal Title XX funds may be expended.

(3) Vendor rates for sheltered workshops shall be increased up to 5.5% in each year of the biennium. Up to \$457,000 may be expended.

(4) Rehabilitation training service for the visually handicapped shall be increased. Up to 19 FTE staff years and \$257,000 including \$206,000 from federal Vocational Rehabilitation Act funds may be expended for this increase.

(5) Kidney center funding in this program shall be continued. Up to a total of \$555,000 may be expended in this program to fund kidney centers.

(6) The department shall provide for the establishment and implementation of a vocational training and employment program for the mentally retarded. Up to \$275,000 may be expended.

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM.

State Funding Sources	\$	42,288,000
Federal Funding Sources	\$	35,334,000
Total Funding Sources For Program	\$	77,622,000
Total FTE Staff Years For Program		3,056

GENERAL ADMINISTRATION CATEGORY.

General Fund Appropriation—State	\$	8,088,000
General Fund Appropriation—Federal	\$	3,354,000
Total Appropriation	\$	11,442,000
Total FTE Staff Years		343

PERSONNEL CATEGORY.

General Fund Appropriation—State	\$	2,038,000
General Fund Appropriation—Federal	\$	1,191,000
Total Appropriation	\$	3,229,000
Total FTE Staff Years		139

INFORMATION SYSTEMS CATEGORY.

General Fund Appropriation—State	\$	9,312,000
General Fund Appropriation—Federal	\$	4,914,000
Total Appropriation	\$	14,226,000
Total FTE Staff Years		530

COLLECTIONS AND DISBURSEMENTS CATEGORY.

General Fund Appropriation—State	\$	5,904,000
General Fund Appropriation—Federal	\$	8,167,000
Total Appropriation	\$	14,071,000
Total FTE Staff Years		843

OPERATING AND FISCAL AUDIT SERVICES CATEGORY.

General Fund Appropriation—State	\$	5,202,000
General Fund Appropriation—Federal	\$	4,001,000
Total Appropriation	\$	9,203,000
Total FTE Staff Years		427

FISCAL SERVICES CATEGORY.

General Fund Appropriation—State	\$	4,610,000
General Fund Appropriation—Federal	\$	1,068,000
Total Appropriation	\$	5,678,000
Total FTE Staff Years		278

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—Federal	\$	9,690,000
Total Appropriation	\$	9,690,000
Total FTE Staff Years		28

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	7,134,000
General Fund Appropriation—Federal	\$	2,949,000
Total Appropriation	\$	10,083,000
Total FTE Staff Years		468

In making allotments for expenditures from the appropriations contained in this section the office of program planning and fiscal management shall require the department to provide up to 160 FTE staff years and \$3,241,000 including \$2,400,000 in federal funds shall be expended to increase support enforcement and collections staffing.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS.

(1) General Fund—State and Local Improvements
 Revolving Account Reappropriation—Water
 Supply Facilities: Appropriated pursuant to the
 provisions of chapter 128, Laws of 1972 ex. sess.
 (Referendum 27) \$ 15,064,000

The reappropriation contained in this subsection shall be expended exclusively for municipal and industrial water supply and distribution facilities as provided for in chapter 1, Laws of 1977 1st ex. sess.

(2) General Fund Reappropriation—State \$ 14,523,000
 General Fund Reappropriation—Federal \$ 12,047,000

The reappropriations contained in this subsection shall be for payment of 1975–77 biennium claims not in excess of the unexpended balances of 1975–77 appropriations for the following purposes:

(a) Medical assistance \$ 25,800,000
 (b) Family planning \$ 500,000
 (c) Intermediate care \$ 220,000
 (d) Involuntary treatment \$ 50,000

(3) General Fund Reappropriation—State \$ 427,000
 General Fund Reappropriation—Federal \$ 71,000

The reappropriations contained in this subsection shall be for up to fifty percent payment of delinquent vendor claims filed under the provisions of RCW 74.09.160.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF VETERAN

AFFAIRS

State Funding Sources \$ 9,369,000
 Federal Funding Sources \$ 1,197,000
 Local Funding Sources \$ 881,000
 Total Funding Sources \$ 11,447,000
 Total FTE Staff Years 647

COMMUNITY SERVICES CATEGORY.

General Fund Appropriation \$ 1,475,000
 Total Appropriation \$ 1,475,000
 Total FTE Staff Years 34

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State \$ 3,952,000
 General Fund Appropriation—Local \$ 813,000
 Total Appropriation \$ 4,765,000
 Total FTE Staff Years 335

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State \$ 3,942,000
 General Fund Appropriation—Federal \$ 1,197,000
 General Fund Appropriation—Local \$ 68,000
 Total Appropriation \$ 5,207,000
 Total FTE Staff Years 278

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than 20 FTE staff years and \$576,000 shall be expended for guardianship services and state office staffing.
- (2) Up to \$9,972,000 shall be expended for the veterans' home and the soldiers' home and colony.
- (3) Up to \$683,000 shall be expended for claims processing services provided by the veterans' contract offices.

NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	531,211
General Fund—Forest Development Account Appropriation	\$	54,554
General Fund—Resource Management Cost Account Appropriation	\$	413,353
Total Appropriation	\$	999,118

The appropriations contained in this section shall be subject to the following condition or limitation: Expenditure of these funds are contingent upon the opening of an additional honor camp.

NEW SECTION. Sec. 64. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$	4,372,000
General Fund Appropriation—Federal	\$	137,456,000
General Fund Appropriation—Private/Local	\$	253,000
Total Appropriation	\$	142,081,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) It is the intent of the legislature that state funds which are appropriated for the specific purpose of matching a federal grant and which are not used for that purpose shall be placed in reserve and shall revert to the general fund at the end of the biennium.

(2) The office of program planning and fiscal management shall allot and monitor expenditures at the element level in the community planning program and the human resources planning program.

(3) LEAA block grant funds of \$2,505,592 (contained within the general fund appropriation—federal) and corresponding state matching funds shall be expended exclusively for undesignated state projects from federal funds received in fiscal year 1978 and fiscal year 1979.

(4) LEAA block grant funds of \$2,612,772 (contained within the general fund appropriation—federal) and corresponding state matching funds shall be expended exclusively for carry forward funding of fiscal year 1976 and fiscal year 1977 state projects.

(5) The state share of LEAA funds shall be expended exclusively by statutorily created state agencies.

(6) \$192,000 shall be expended for the office of voluntary action: PROVIDED, That additional funding shall come from federal funds when available.

NEW SECTION. Sec. 65. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	2,430,829
General Fund Appropriation—Federal	\$	96,000
General Fund Appropriation—Local	\$	72,000
Total Appropriation	\$	2,598,829

The appropriations contained in this section shall be subject to the following condition or limitation: The commission shall operate a local office in the Vancouver, Washington vicinity.

NEW SECTION. Sec. 66. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation	\$	1,162,500
Medical Aid Fund Appropriation	\$	1,162,500
Total Appropriation	\$	2,325,000

NEW SECTION. Sec. 67. FOR THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation	\$	100,347
General Fund—Criminal Justice Training Account		
Appropriation	\$	2,180,017
Total Appropriation	\$	2,280,364

NEW SECTION. Sec. 68. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$	6,437,000
General Fund Appropriation—Federal	\$	100,000
Accident Fund Appropriation	\$	22,970,000
Medical Aid Fund Appropriation	\$	20,240,000
Plumbing Certificate Fund Appropriation	\$	125,000
Electrical License Account Appropriation	\$	4,393,000
Total Appropriation	\$	54,265,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) A cost/benefit study of the proposed enhancement of the automated records management system shall be submitted to the legislature no later than December 15, 1977.

(2) The building and construction safety program shall be divided into two programs: The electrical licensing and regulation program and the building and construction program.

(3) General fund expenditures in the building and construction program and its related administration expenses shall not exceed general fund revenues generated by the building and construction program.

NEW SECTION. Sec. 69. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation—State	\$	1,539,059
General Fund Appropriation—Federal (Law Enforcement Assistance Administration)	\$	690,165
Total Appropriation	\$	2,229,224

NEW SECTION. Sec. 70. FOR THE HOSPITAL COMMISSION

General Fund Appropriation—Federal	\$	708,298
General Fund—Hospital Commission Account		
Appropriation	\$	600,000
Total Appropriation	\$	1,308,298

NEW SECTION. Sec. 71. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	4,840,718
General Fund Appropriation—Federal	\$	225,000
General Fund Appropriation—Local	\$	496,699
Unemployment Compensation Administration Fund		
Appropriation—Federal	\$	90,469,388
Administrative Contingency Fund Appropriation	\$	400,000
Total Appropriation	\$	96,431,805

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$2,248,300 of the general fund appropriation—state shall be expended exclusively for the Program for Local Service.

(2) Not more than \$93,960 and 6 FTE staff years contained in the administrative contingency fund appropriation shall be expended exclusively to bring the department into compliance with state accounting requirements.

(3) The department is directed to develop an integrated method of accounting which will fulfill the requirements of both the federal government and the state government without unnecessary duplication and shall provide a progress report to the house committee on appropriations and the senate committee on ways and means no later than January 1, 1978.

(4) Up to \$2,300,000 of the general fund appropriations—state contained in this section shall be expended to continue employment orientation and career change programs. The department shall contract for the programs. Contracts awarded under this subsection shall contain performance specifications and financial penalties to the contractor for nonperformance. The contracting process shall stress past performance by potential contractors in the implementation of these programs. A legislative review committee comprised of the majority and minority leaders of both houses, the chairman of the appropriations committee of the House, and the chairman of the ways and means committee of the Senate shall be created to audit the performance of the programs and contracting agencies. A report on the performance of the program shall be made to the legislature no later than January 1, 1978, and January 1, 1979.

NEW SECTION. Sec. 72. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	738,000
General Fund Appropriation—Federal	\$	1,335,297
Total Appropriation	\$	2,073,297

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$333,000 and 13 FTE staff years of the general fund appropriation—state contained in this section shall be expended in FY 1978.

NEW SECTION. Sec. 73. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation	\$	210,000
Total Appropriation	\$	210,000

NEW SECTION. Sec. 74. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation	\$	3,660
Total Appropriation	\$	3,660

NEW SECTION. Sec. 75. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	15,795,309
General Fund Appropriation—Federal	\$	9,149,418
General Fund Appropriation—Private/Local	\$	68,845
General Fund—Reclamation Revolving Account Appropriation	\$	540,628
General Fund—Litter Control Account Appropria- tion	\$	2,988,984
Stream Gaging Basic Data Fund Appropriation	\$	180,000
General Fund—Special Grass Seed Burning Research Account Appropriation—State	\$	20,000
General Fund—State Emergency Water Projects Revolving Account Appropriation	\$	11,000,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	108,328,878
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)	\$	26,592,877

Total Appropriation \$ 174,664,939

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,131,706 in state funds from the appropriations contained herein shall be expended by the department for matching purposes for activated air pollution control authorities. If such authorities do not expend an equal amount to match such funds during the 1977-79 biennium, then such unmatched, unexpended state funds shall be available to the department.

(2) Not more than \$1,451,274 from federal air pollution control grant funds shall be made available to activated air pollution control authorities in the state as directed by the federal environmental protection agency.

(3) Not more than \$204,000 of the general fund appropriation—state shall be expended within the field operations program for the Washington state conservation commission exclusively for ongoing commission staff functions, including those responsibilities related to the implementation phase of section 208, P.L. 92-500, The Federal Clean Water Act.

(4) Not more than \$1,053,000 from the litter control account appropriation shall be expended to supervise and hire part time personnel for a Youth Corps Litter Pick-up Program.

(5) On or before October 1, 1977, the department of ecology shall file with the house appropriations and senate ways and means committees a master compilation by project type of those projects proposed for funding during the 1977-79 biennium from the appropriations for waste disposal facilities, municipal and industrial water supply facilities, and agricultural water supply facilities. The department shall submit updates for the master compilation to the house appropriations and senate ways and means committees at six month intervals during the 1977-79 biennium. The updates shall reflect project completions, deletions, and substitutions or additions made during the course of administering such projects. If the department proposes to change or modify any project listed on the master compilation, it shall give the house appropriations and senate ways and means committees thirty days written notice of such change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall inform the house appropriations and senate ways and means committees as soon as is practicable of emergent federal action which has any affect whatsoever on the appropriations for waste disposal facilities and water supply facilities.

(6) The appropriation from the state and local improvements revolving account—municipal and industrial water supply facilities may be expended to pay up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may loan up to one hundred percent of the eligible costs of preconstruction activities and the department may provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(7) The appropriation from the state and local improvements revolving account—waste disposal facilities may be expended by the department to pay for up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is hereby authorized to loan up to one hundred percent of the eligible costs of preconstruction activities. The department is hereby authorized to provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

NEW SECTION. Sec. 76. FOR THE POLLUTION CONTROL HEARINGS BOARD

General Fund Appropriation \$ 498,911
 Total Appropriation \$ 498,911

NEW SECTION. Sec. 77. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—State	\$	346,676
General Fund Appropriation—Private/Local	\$	967,569
Total Appropriation	\$	1,314,245

NEW SECTION. Sec. 78. FOR THE SHORELINES HEARING BOARD

General Fund Appropriation	\$	44,522
Total Appropriation	\$	44,522

NEW SECTION. Sec. 79. FOR THE STATE PARKS AND RECREATION COMMISSION

Total Funding Sources For All Programs	\$	28,417,063
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(1) Administrative Services Program

General Fund Appropriation—State	\$	2,911,968
General Fund Appropriation—Federal	\$	446,638
General Fund—Trust Land Purchase Account Appropriation	\$	5,985,000
General Fund—State and Local Improvement Revolving Account Appropriation Public Recreation Facilities; appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess.	\$	842,199
Total Appropriation	\$	10,185,805

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) All state funded historic preservation grants shall be expended exclusively for local governments.

(b) All federally funded historic preservation grants including unanticipated receipts shall be expended exclusively for local governments and private parties.

(c) No more than 61.6 FTE staff years shall be expended in each fiscal year.

(d) The commission is authorized to transfer up to \$225,000 of the trust land purchase account appropriation to the department of natural resources and in return the department of natural resources is authorized to transfer approximately 147 acres of state forest lands, including timber adjacent to Sequest state park, to the commission and the department of natural resources shall expend the amount so transferred to acquire replacement forest lands in Cowlitz county.

(2) Resource Development Program

General Fund Appropriation	\$	2,285,028
Motor Vehicle Fund Appropriation	\$	725,000
Total Appropriation	\$	3,010,028

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) No more than 48.5 FTE staff years shall be expended each fiscal year.

(b) \$32,000 shall be expended exclusively for implementation of ESB 3002, only if ESB 3002 becomes law.

(3) Park Operations Program

General Fund Appropriation—State	\$	14,526,019
General Fund—Outdoor Recreation Account Appropriation	\$	70,312
Total Appropriation	\$	14,596,331

The appropriations contained in this subsection shall be subject to the following conditions and limitations:

(a) Not more than 316.3 FTE staff years shall be expended in fiscal year 1978 and not more than 315.1 FTE staff years shall be expended in fiscal year 1979.

(b) General fund state revenue from the Fort Warden Conference Center shall provide one-half of the costs to operate the conference center in fiscal year 1978. In fiscal year 1979 the conference center shall become entirely self-supporting.

(c) Not more than \$804,487 and 43 FTE staff years shall be expended exclusively for operation of the Fort Warden Conference Center.

(d) Not more than \$110,000 shall be expended exclusively within the park operation program for continuation of contractual agreements with Grays Harbor and Pacific counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach.

(4) Youth Development Program.

General Fund Appropriation—State	\$	324,899
General Fund Appropriation—Federal	\$	300,000
Total Appropriation	\$	624,899

The appropriations contained in this subsection shall be subject to the following condition or limitation: Not more than 276 FTE staff years shall be expended during the biennium.

(5) Notwithstanding any other provision of law to the contrary, the commission shall not expend any of the appropriations contained in subsections (1) through (4) of this section for entering into contractual agreements or receiving any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for operating, development, or acquisition costs without prior approval of the office of program planning and fiscal management and, the legislative budget committee, or the senate ways and means committee and house appropriations committee if the legislature is in session.

NEW SECTION. Sec. 80. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Appropriation	\$	16,230,435
General Fund—Outdoor Recreation Account Appropriation; Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	\$	5,915,567
Total Appropriation	\$	22,146,002

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$888,730 from state funds and not more than \$59,270 from federal funds shall be expended exclusively for the administration program.

(2) Not more than \$21,198,002 shall be expended exclusively for the grants to local agencies program.

(3) A budget proposal shall be developed for the 1979–1981 biennium which apportions federal funds on a 60% local and 40% state basis.

NEW SECTION. Sec. 81. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State	\$	2,666,720
General Fund Appropriation—Federal	\$	12,453
Motor Vehicle Fund Appropriation	\$	305,187
Total Appropriation	\$	2,984,360

The appropriations contained in this section shall be subject to the following condition or limitation: At least 15,500 of the general fund—state appropriation shall be to continue the 11-month per year operation of the State Visitors' Center at Vancouver.

NEW SECTION. Sec. 82. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	23,682,529
General Fund Appropriation—Federal	\$	3,824,103
General Fund Appropriation—Private/Local	\$	1,167,917
General Fund—Lewis River Hatchery Account Appropriation	\$	26,640
Vessel, Gear, License, and Permit Reduction Fund Appropriation	\$	3,500,000
Total Appropriation	\$	32,201,189

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$273,000 and 2 FTE staff years of the general fund appropriation—state contained in this section shall be expended exclusively for the purchase, operation, and maintenance of an off shore patrol vessel.

(2) Not more than \$400,000 of the general fund appropriation—state shall be expended within the salmon program exclusively for additional maintenance at existing department facilities.

(3) Not more than \$650,924 of the general fund appropriation—state shall be expended exclusively for increased hatchery production at existing department facilities.

NEW SECTION. Sec. 83. FOR THE DEPARTMENT OF GAME

General Fund Appropriation	\$	42,000
General Fund—Outdoor Recreation Account Approp- riation	\$	72,000
Game Fund Appropriation—State	\$	19,471,000
Game Fund Appropriation—Federal	\$	8,000,000
Game Fund Appropriation—Private/Local	\$	813,000
Game Fund—Special Wildlife Account Appropria- tion	\$	142,000
Total Appropriation	\$	28,540,000

NEW SECTION. Sec. 84. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	15,228,000
General Fund Appropriation—Federal	\$	2,293,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation	\$	845,000
General Fund—Resource Management Cost Account Appropriation	\$	34,075,000
General Fund—Forest Development Account Approp- riation	\$	9,582,000
General Fund—State Timber Reserve Account Appropriation	\$	2,389,000
General Fund—Outdoor Recreation Account Approp- riation	\$	1,228,000
Total Appropriation	\$	65,640,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$50,000 shall be expended exclusively for conversion to the personnel/payroll system.

(2) All federal funds received by the department of natural resources shall be placed in the general fund—federal with the exception of federal funds received for the private forestry assistance and regulation program.

(3) If more than \$180,000 in Clark McNary funds are received for the private forestry assistance and regulation program a like amount of general fund moneys shall be placed in reserve.

(4) It shall be a priority of the department of natural resources to continue an escalated inventory of department managed lands for mineral wealth.

(5) \$1,000,000 of the general fund—state appropriation shall be expended exclusively for emergency forest fire suppression. Such funds shall also be available for interfund loans with the landowners forest fire suppression account.

(6) Not more than \$1,259,107 of the general fund—state appropriation shall be expended exclusively for the geology and earth resources program.

(7) The recreation program shall be split into two elements for accounting and allotment purposes: Maintenance and capital enhancement.

(8) \$230,000 of the general fund appropriation—state shall be expended by the department in a program directed toward the eradication of the star thistle weed (centaurea solstitialis), knapweed (centaurea L.), and bindweed (convolvulus). The department shall provide a one-third state share for problem areas to such lands which are privately owned if participating counties and individual landowners provide their equal one-third shares, and not to exceed \$30,000 for cooperative studies for control, demonstration plots, application rates, and timing, with the Department of Forestry and Range Management at Washington State University.

NEW SECTION. Sec. 85. FOR THE FOREST PRACTICES APPEALS BOARD

General Fund Appropriation	\$	67,000
Total Appropriation	\$	67,000

NEW SECTION. Sec. 86. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	6,491,213
Commercial Feed Fund Appropriation	\$	269,247
General Fund—Feed and Fertilizer Account Approp- riation	\$	14,455
Fertilizer, Agricultural, Mineral and Lime Fund Approp- riation	\$	268,813
Nursery Inspection Fund Appropriation	\$	231,834
Seed Fund Appropriation	\$	617,453
Grain and Hay Inspection Fund Appropriation	\$	6,821,121
Total Appropriation	\$	14,714,136

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$4,000 of the general fund appropriation—state shall be expended exclusively for the continued implementation of the starling control program.

(2) \$160,000 of the general fund appropriation—state shall be expended exclusively by the department for its one-third share for the special tansy ragwort control program in conjunction with those county noxious weed control boards which have placed tansy ragwort on their noxious weed list. Continued state expenditures are conditioned on the continuation of payment of an equal one-third share by participating county noxious weed control boards and individual landowners. No county noxious weed control board or individual landowners shall be eligible for the state's one-third share unless such board or landowner has developed a range management program approved by the department in cooperation with the appropriate local or other agency responsible for said conservation. \$20,000 of the \$160,000 shall be expended in cooperation with Washington State University for completion of research into the poisonous properties of tansy ragwort (Senecio-Jacobaea).

NEW SECTION. Sec. 87. FOR THE AERONAUTICS COMMISSION

General Fund—Search and Rescue Account Approp- riation	\$	48,000
General Fund—Aeronautics Account Appropriation	\$	817,771
Total Appropriation	\$	865,771

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$77,771 of the general fund—aeronautics account appropriation shall be expended exclusively for improvement of state owned emergency landing fields.

NEW SECTION. Sec. 88. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Puget Sound Pilotage Account	
Appropriation	\$ 8,000
Total Appropriation.....	\$ 8,000

NEW SECTION. Sec. 89. FOR THE STATE PATROL

General Fund Appropriation—State	\$ 7,956,585
General Fund Appropriation—Federal (LEAA)	\$ 170,000
Motor Vehicle Fund Appropriation.....	\$ 56,181,981
Total Appropriation	\$ 64,308,566

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than 3 FTE staff years and \$139,968 shall be expended in fiscal year 1978 for the Washington Crime Information Center, and the patrol shall provide the house appropriations committee and the senate ways and means committee with a report by January 15, 1978, on a billing system for the participants' share of the cost of operating the Washington Crime Information Center.

(2) Not more than \$1,061,419 of the motor vehicle fund appropriation shall be expended exclusively for a central computer enforcement service system (ACCESS).

(3) Not more than \$2,138,667 of the general fund appropriation and 70.0 FTE staff years shall be expended exclusively for the Bureau of Criminal Identification Section, (BCI).

(4) Not more than \$609,946 of the general fund appropriation and 22.0 FTE staff years shall be expended exclusively for the Drug Control Assistance Unit, (DCAU).

(5) Of this sum, up to \$821,091, including \$170,000 of LEAA funds, shall be expended for the Organized Crime Intelligence Unit: PROVIDED, That \$410,545, or as much as necessary for fiscal year 1979 operations, not be released by the office of program planning and fiscal management pending an interim study by the legislature and joint approval of the Senate committee on ways and means and the House committee on appropriations.

NEW SECTION. Sec. 90. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION

Highway Safety Fund Appropriation.....	\$ 6,800
Total Appropriation.....	\$ 6,800

NEW SECTION. Sec. 91. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State	\$ 430,000
Highway Safety Fund Appropriation—Federal	\$ 3,941,000
Total Appropriation	\$ 4,371,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$110,000 shall be expended exclusively for a grant to the city of Bremerton to provide additional supplemental salaries and equipment as may be required because of the impact of the Trident Submarine Support Base upon the city's current and future needs for traffic control, public safety, law enforcement, prosecutorial and municipal court services.

(2) Not more than \$100,000 shall be expended exclusively for grants to cities or towns which have a portion of their boundaries located within two or less miles of the Canadian/Washington border, which grants shall be used exclusively for law

enforcement purposes: PROVIDED, That such border cities or border towns which are also located on an interstate highway shall receive eighty-five percent of such funds.

NEW SECTION. Sec. 92. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$	4,812,000
General Fund—Architect's License Account Appropriation	\$	117,401
General Fund—Commercial Automobile Driver Training School Account Appropriation	\$	3,406
General Fund—Optician's Account Appropriation	\$	23,327
General Fund—Optometry Account Appropriation	\$	56,734
General Fund—Professional Engineer's Account Appropriation	\$	359,582
General Fund—Real Estate Commission Account Appropriation	\$	1,828,000
General Fund—Sanitarian's Licensing Account Appropriation	\$	13,019
General Fund—Board of Psychological Examiners Account Appropriation	\$	27,581
Game Fund Appropriation	\$	73,615
Highway Safety Fund Appropriation	\$	19,483,000
Motor Vehicle Fund Appropriation	\$	17,451,000
Total Appropriation	\$	44,248,665

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$100,000 of the motor vehicle fund appropriation shall be expended exclusively for vehicle title guarantees.

NEW SECTION. Sec. 93. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund Appropriation	\$	172,151
Total Appropriation	\$	172,151

NEW SECTION. Sec. 94. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$	9,962,808
General Fund Appropriation—Federal	\$	5,333,000
General Fund—Traffic Safety Education Account Appropriation	\$	323,250
Total Appropriation	\$	15,619,058

NEW SECTION: Sec. 95. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION - GENERAL APPORTIONMENT FOR FISCAL YEAR 1978

General Fund Appropriation:		
For General Apportionment	\$	635,650,252
Total Appropriation	\$	635,650,252

The schedule used by the superintendent of public instruction during the 1977-78 fiscal year in computing the apportionment of these funds for each school district shall be based on the full-time equivalent student enrollment for each district as follows:

- (1) The superintendent shall utilize the 1976-77 staff characteristic of each school district for purposes of determining the 1977-78 weighted student enrollment;
- (2) The superintendent shall distribute to each district, in accordance with the provisions of RCW 28A.41.130, an equalized guarantee of \$538 per weighted student;

(3) In addition to the distribution under subsection (2) of this section, the superintendent shall distribute to each school district an amount not to exceed \$64 per average annual full-time equivalent student;

(4) In addition to the distributions under subsections (2) and (3) of this section, the superintendent shall distribute \$37,628,123 of the amount appropriated by this section in variable amounts to the districts to insure that the support per full-time equivalent student specified for each district in Section 96 of this act will be achieved.

NEW SECTION. Sec. 96. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—GENERAL APPORTIONMENT FOR FISCAL YEAR 1979

General Fund Appropriation:

For General Apportionment	\$ 843,213,840
Total Appropriation	\$ 843,213,840

The schedule used by the superintendent of public instruction during the 1978-79 fiscal year in computing the apportionment of these funds for each school district shall be based on full time equivalent student enrollment for each district as follows:

Cnty	Dist	Names	1978-79 \$/FTE
01	109	Washtucna	1233
01	122	Benge	1123
01	147	Othello	1322
01	158	Lind	1294
01	160	Ritzville	1290
02	250	Clarkston	1294
02	310	Anatone	
02	400	Asotin	1217
03	017	Kennewick	1355
03	050	Paterson	1133
03	052	Kiona-Benton	1208
03	053	Finley	1288
03	116	Prosser	1311
03	400	Richland	1411
04	019	Manson	1238
04	069	Stehekin	955
04	127	Entiat	1236
04	128	Leavenworth	1211
04	129	Lake Chelan	1310
04	200	Peshastin-Dryden	1306
04	222	Cashmere	1373
04	246	Wenatchee	1396
05	121	Port Angeles	1461
05	313	Crescent	1146
05	323	Sequim	1323
05	401	Cape Flattery	1269
05	402	Quillayute Valley	1314
06	037	Vancouver	1426
06	098	Hockinson	1298
06	101	Lacenter	1224
06	103	Green Mountain	1076
06	112	Washougal	1322
06	114	Evergreen	1367

Cnty	Dist	Names	1978-79 \$/FTE
06	117	Camas	1410
06	119	Battle Ground	1321
06	122	Ridgefield	1273
07	002	Dayton	1213
07	035	Starbuck	1176
08	118	Carrolls	1365
08	122	Longview	1380
08	130	Toutle Lake	1179
08	401	Castle Rock	1323
08	402	Kalama	1238
08	404	Woodland	1267
08	453	Kelso	1325
09	013	Orondo	1188
09	075	Bridgeport	1140
09	102	Palisades	1259
09	206	Eastmont	1395
09	207	Mansfield	1120
09	209	Waterville	1269
10	003	Keller	1065
10	050	Curlew	1122
10	060	Hazelmere	653
10	065	Orient	953
10	070	Inchelium	1154
10	309	Republic	1172
11	001	Pasco	1369
11	051	North Franklin	1302
11	054	Star	1116
11	056	Kahlotus	1216
12	110	Pomeroy	1287
13	073	Wahluke	1196
13	128	Hartline	1202
13	144	Quincy	1340
13	146	Warden	1291
13	150	Coulee City	1201
13	156	Soap Lake	1226
13	160	Royal	1239
13	161	Moses Lake	1317
13	165	Ephrata	1302
13	167	Wilson Creek	1177
13	301	Grand Coulee Dam	1228
14	005	Aberdeen	1405
14	028	Hoquiam	1386
14	064	North Beach	1315
14	065	McCleary	1234
14	066	Montesano	1310
14	068	Elma	1307
14	077	Taholah	1284
14	097	Quinault	1210
14	099	Cosmopolis	1378
14	104	Satsop	1150
14	117	Wishkah Valley	1117

Cnty	Dist	Names	1978-79 \$/FTE
14	172	Ocosta	1305
14	400	Oakville	1175
15	201	Oak Harbor	1402
15	204	Coupeville	1290
15	206	South Whidbey	1338
16	020	Clearwater	1242
16	046	Brinnon	1139
16	048	Quilcene	1219
16	049	Chimacum	1332
16	050	Port Townsend	1363
17	001	Seattle	1546
17	195	Lester	1115
17	210	Federal Way	1358
17	216	Enumclaw	1381
17	400	Mercer Island	1495
17	401	Highline	1484
17	402	Vashon Island	1340
17	403	Renton	1485
17	404	Skykomish	1221
17	405	Bellevue	1548
17	406	South Central	1474
17	407	Lower Snoqualmie	1307
17	408	Auburn	1401
17	409	Tahoma	1369
17	410	Snoqualmie Valley	1404
17	411	Issaquah	1390
17	412	Shoreline	1487
17	414	Lake Washington	1411
17	415	Kent	1405
17	417	Northshore	1455
18	100	Bremerton	1471
18	303	Bainbridge	1401
18	400	North Kitsap	1431
18	401	Central Kitsap	1386
18	402	South Kitsap	1365
19	007	Damman	796
19	028	Easton	1119
19	400	Thorp	1225
19	401	Ellensburg	1373
19	403	Kittitas	1273
19	404	Cle Elum-Roslyn	1215
20	094	Wishram	1145
20	203	Bickleton	1185
20	215	Centerville	1037
20	400	Trout Lake	1157
20	401	Glenwood	1150
20	402	Klickitat	1211
20	403	Roosevelt	1085
20	404	Goldendale	1225
20	405	White Salmon	1254
20	406	Lyle	1186

Cnty	Dist	Names	1978-79 \$/FTE
21	014	Napavine	1147
21	018	Vader	1160
21	036	Evaline	892
21	206	Mossyrock	1141
21	214	Morton	1346
21	226	Adna	1190
21	232	Winlock	1263
21	234	Boistfort	1092
21	237	Toledo	1246
21	300	Onalaska	1123
21	301	Pe Ell	1275
21	302	Chehalis	1378
21	303	White Pass	1312
21	401	Centralia	1390
22	008	Sprague	1214
22	009	Reardan	1290
22	017	Almira	1163
22	073	Creston	1194
22	105	Odessa	1261
22	200	Wilbur	1235
22	204	Harrington	1239
22	207	Davenport	1227
23	042	Southside	1215
23	054	Grapeview	1228
23	309	Shelton	1230
23	311	Mary M. Knight	1234
23	402	Pioneer	1213
23	403	North Mason	1308
23	404	Hood Canal	1317
24	014	Nespelem	1128
24	019	Omak	1167
24	105	Okanogan	1304
24	111	Brewster	1236
24	118	Riverside	
24	122	Pateros	1205
24	350	Methow Valley	1167
24	404	Tonasket	1254
24	410	Oroville	1220
25	101	Ocean Beach	1297
25	116	Raymond	1304
25	118	South Bend	1264
25	155	Naselle Grays Riv	1306
25	160	Willapa Valley	1328
25	200	North River	1167
26	056	Newport	1275
26	059	Cusick	1159
26	070	Selkirk	1084
27	001	Steilacoom Hist.	1312
26	003	Puyallup	1468
27	010	Tacoma	1498
27	083	University Place	1426

Cnty	Dist	Names	1978-79 \$/FTE
27	320	Sumner	1379
27	343	Dieringer	1355
27	344	Orting	1229
27	400	Clover Park	1417
27	401	Peninsula	1401
27	402	Franklin Pierce	1464
27	403	Bethel	1335
27	404	Eatonville	1285
27	406	Carbonado	1281
27	416	White River	1335
27	417	Fife	1383
28	010	Shaw	709
28	137	Orcas	1298
28	144	Lopez	1225
28	149	San Juan	1305
29	100	Burlington Edison	1409
29	101	Sedro Woolley	1389
29	102	Concrete	1246
29	103	Anacortes	1411
29	311	La Conner	1292
29	317	Conway	1282
29	320	Mt. Vernon	1372
30	002	Skamania	1303
30	029	Mount Pleasant	1154
30	031	Mill A	1235
30	303	Stevenson-Carson	1449
31	002	Everett	1483
31	004	Lake Stevens	1364
31	006	Mukilteo	1435
31	015	Edmonds	1473
31	016	Arlington	1379
31	025	Marysville	1384
31	063	Index	1191
31	103	Monroe	1315
31	201	Snohomish	1406
31	306	Lakewood	1211
31	311	Sultan	1314
31	330	Darrington	1317
31	332	Granite Falls	1284
31	401	Stanwood	1312
32	081	Spokane	1434
32	123	Orchard Prairie	1120
32	312	Great Northern	899
32	325	Nine Mile Falls	1346
32	326	Medical Lake	1305
32	354	Mead	1378
32	356	Central Valley	1361
32	358	Freeman	1300
32	360	Cheney	1387
32	361	East Valley	1345
32	362	Liberty	1283

Cnty	Dist	Names	1978-79 \$/FTE
32	363	West Valley	1388
32	414	Deer Park	1256
32	416	Riverside	1234
33	030	Onion Creek	780
33	036	Chewelah	1230
33	049	Wellpinit	1128
33	070	Valley	1101
33	115	Colville	1208
33	183	Loon Lake	1155
33	202	Summit Valley	841
33	205	Evergreen	753
33	206	Columbia	1110
33	207	Mary Walker	1152
33	211	Northport	1149
33	212	Kettle Falls	1160
34	002	Yelm	1311
34	003	North Thurston	1433
34	033	Tumwater	1431
34	111	Olympia	1446
34	307	Rainier	1224
34	324	Griffin	1301
34	401	Rochester	1211
34	402	Tenino	1226
35	200	Wahkiakum	1298
36	101	Dixie	1136
36	140	Walla Walla	1392
36	250	College Place	1200
36	300	Touchet	1147
36	400	Columbia	1292
36	401	Waitsburg	1289
36	402	Prescott	1298
37	500	High Cascades	
37	501	Bellingham	1431
37	502	Ferndale	1388
37	503	Blaine	1392
37	504	Lynden	1299
37	505	Meridian	1245
37	506	Nooksack Valley	1267
37	507	Mount Baker	1314
38	126	Lacrosse Joint	1236
38	264	Lamont	1215
38	265	Tekoa	1246
38	267	Pullman	1360
38	300	Colfax	1312
38	301	Palouse	1264
38	302	Garfield	1274
38	304	Steptoe	1196
38	306	Colton	1221
38	308	Endicott	1249
38	320	Rosalia	1238
38	322	St. John	1228

Cnty	Dist	Names	1978-79 \$/FTE
38	324	Oakesdale	1198
39	002	Union Gap	1254
39	003	Naches Valley	1283
39	007	Yakima	1313
39	090	Moxee	1245
39	119	Selah	1249
39	120	Mabton	1176
39	200	Grandview	1283
39	201	Sunnyside	1312
39	202	Toppenish	1305
39	203	Highland	1278
39	204	Granger	1261
39	205	Zillah	1211
39	207	Wapato	1274
39	208	West Valley	1303
39	209	Mount Adams	1189

It is the intent of the legislature to equalize the state dollar support per FTE student by the 1982-83 program year. To this end the legislature intends to improve the support per FTE student to \$1,811 in the 1982-83 program year in each school district.

Not more than \$6,700,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1978-79 school year from the 1977-78 base enrollment level for certificated staff. The superintendent of public instruction in ascertaining the full-time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or 300 full-time equivalent students, whichever is less, from the immediately preceding year, shall increase the enrollment as otherwise herein computed by fifty percent of the full-time equivalent pupil enrollment loss from the previous year.

NEW SECTION. Sec. 97. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION - SMALL DISTRICT ADJUSTMENT FOR FISCAL YEAR 1979

General Fund Appropriation	\$	2,056,696
Total Appropriation	\$	2,056,696

The schedule used by the superintendent of public instruction during the 1978-79 fiscal year in computing the distribution of these funds for each school district shall be based on the following:

(1) A school district with an average annual FTE enrollment of 40 students or less in grades K-6 shall receive an entitlement equal to the FTE value of 40 students as provided in section 96 of this act.

(2) A school district with an average annual FTE enrollment of 20 students or less in grades 7-8 shall receive an entitlement equal to the FTE value of 20 students as provided in section 96 of this act.

(3) A school district with an average annual FTE enrollment of 100 students or less in grades 9-12 shall receive an entitlement equal to the FTE value of 100 students as provided in section 96 of this act.

NEW SECTION. Sec. 98. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION - SPECIAL APPROPRIATIONS FOR CATEGORICAL PROGRAM STAFF FOR FISCAL YEAR 1979

General Fund Appropriation	\$	27,269,189
Total Appropriation	\$	27,269,189

The schedule used by the superintendent of public instruction during the 1978-79 fiscal year in computing the distribution of these funds for each school district shall be based on the following:

(1) Funds provided in this section shall be distributed to ensure that districts receive \$870 for each certificated and classified categorical staff unit and an additional amount for payroll benefits equal to 6.23 percent of each district's certificated average salary and 13.90 percent of each district's classified average salary.

(2) The balance of funds provided in this subsection shall be used to grant salary increases in the 1978-79 program year to categorical staff.

NEW SECTION, Sec. 99. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR: APPROVED VOCATIONAL EDUCATION IN GRADES 9-12; SCHOOL DISTRICTS ENROLLING NOT MORE THAN 250 STUDENTS IN GRADES 9-12; REMOTE AND NECESSARY SCHOOL DISTRICTS AND SMALL SCHOOL PLANTS WITHIN SCHOOL DISTRICTS; STUDENTS RESIDING ON TAX EXEMPT PROPERTY; AND INTERDISTRICT COOPERATIVE PROGRAMS

General Fund Appropriation	\$	40,307,580
Total Appropriation	\$	40,307,580

The schedule used by the superintendent of public instruction during the 1977-79 biennium in the distribution of the appropriation contained in this section shall be based on the weighting factors set forth in section 149(6), chapter 269, Laws of 1975 1st ex. sess. (uncodified) multiplied by the projected 1977-78 full time equivalent student enrollment level in the programs enumerated herein multiplied by \$578 for each of the following:

- (1) Approved vocational education in grades 9-12;
- (2) School districts enrolling not more than 250 students in grades 9-12;
- (3) Remote and necessary school districts and small school plants within school districts;
- (4) Students residing on tax exempt property;
- (5) Interdistrict cooperative programs.

NEW SECTION, Sec. 100. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EXCESS COSTS

General Fund Appropriation—State	\$	87,285,000
General Fund Appropriation—Federal	\$	12,594,000
Total Appropriation	\$	99,879,000

(1) The number of students receiving special education for learning language disabilities shall not exceed 1.75 percent of the total student enrollment during the 1977-78 school year, and 2.0 percent of the total student enrollment during the 1978-79 school year.

(2) The superintendent shall distribute sufficient funds to provide for an increase in approved aide hours from 2.6 to 3.0 aide hours per day.

(3) The superintendent shall distribute sufficient funds to provide for a 535 student increase in preschool handicapped enrollment.

(4) The superintendent shall distribute not more than \$75,000 for implementation of the eye safety program.

(5) The superintendent shall distribute not more than \$36,000 for continuation of the program to instruct teachers and school nurses in techniques for recognizing and caring for epileptic students.

NEW SECTION, Sec. 101. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GIFTED SPECIAL PROGRAMS

General Fund Appropriation	\$	2,250,000
Total Appropriation	\$	2,250,000

(1) The enrollment supported by this appropriation shall increase from 1,300 students in 1976-77 to 6,000 students in 1977-78 and to 7,000 students in 1978-79 in special programs approved by the superintendent.

(2) The superintendent shall distribute an amount not to exceed \$225 per student to support the approved additional costs of special programs for gifted students.

(3) The superintendent shall reimburse districts in an amount not to exceed \$25 per student in approved programs for purposes of screening and assessment.

NEW SECTION. Sec. 102. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STUDENT TRANSPORTATION

General Fund Appropriation	\$	92,641,108
Total Appropriation	\$	92,641,108

(1) The appropriation contained in this section shall be expended exclusively for transportation of students "to and from" public schools and/or to approved learning centers and shall be expended in accordance with the provisions of chapter 392-141 WAC as such chapter exists on the effective date of this act. Sufficient funds are provided to reimburse school districts at a rate not to exceed 80 percent during the first year of the biennium and at a rate not to exceed 100 percent during the second year of the biennium: PROVIDED, That the superintendent shall make such reimbursements only to the extent necessary to reach the funding levels herein provided. Any portion of this appropriation not required to fund the respective reimbursement levels shall be placed in reserve and revert to the general fund at the end of each respective fiscal year.

(2) The appropriate reports required by chapter 392-141 WAC in existence on the effective date of this act shall be certified by the respective school district as being in compliance with the said chapter of the WAC.

(3) The superintendent shall distribute not more than \$415,544 for regional transportation coordinators.

NEW SECTION. Sec. 103. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	31,011,312
Total Appropriation	\$	31,011,312

The superintendent shall distribute not less than 7 percent of this total appropriation in each year of the biennium exclusively for the purchase of instructional equipment. The superintendent shall recognize the differences among the programs at the vocational-technical institutes in distributing funds for instructional equipment: PROVIDED, That such distribution shall be exclusively for the support of core curriculum programs.

NEW SECTION. Sec. 104. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	10,903,188
General Fund Appropriation—Federal	\$	3,654,170
Total Appropriation	\$	14,557,358

NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR URBAN RURAL RACIAL DISADVANTAGED PROGRAMS

General Fund Appropriation	\$	9,980,104
Total Appropriation	\$	9,980,104

NEW SECTION. Sec. 106. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CULTURAL ENRICHMENT PROGRAMS

General Fund Appropriation	\$	1,178,488
Total Appropriation	\$	1,178,488

NEW SECTION, Sec. 107. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE-WIDE DATA PROCESSING PROGRAM

General Fund Appropriation	\$	828,225
Total Appropriation	\$	828,225

NEW SECTION, Sec. 108. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	6,707,246
Total Appropriation	\$	6,707,246

No part of this appropriation shall be expended until the number of educational service districts has been restored to the number that existed prior to September 1, 1976.

NEW SECTION, Sec. 109. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER FOR MATHEMATICS AND SCIENCE EDUCATION SERVICES TO BE PROVIDED PUBLIC SCHOOL STUDENTS AND TEACHERS

General Fund Appropriation	\$	236,700
Total Appropriation	\$	236,700

This appropriation shall be expended exclusively for the purpose of implementing the contract for educational services between the Pacific Science Center and the superintendent of public instruction. The transfer of title to the astronomy education facility and equipment to the Pacific Science Center Foundation or its successor shall be at such time as the value of educational services provided to public school students and teachers exceeds the costs reimbursed by the superintendent of public instruction and participating school districts by an amount equivalent to at least the cost to the superintendent of public instruction for the construction and acquisition of such facility and equipment: PROVIDED, That not more than \$61,700 of this appropriation shall be expended for the operating cost of the Regional Astronomy Education Laboratory.

NEW SECTION, Sec. 110. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Account		
Appropriation	\$	12,755,519
Total Appropriation	\$	12,755,519

Not more than \$330,000 shall be expended for regional coordinators.

NEW SECTION, Sec. 111. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$	5,882,575
General Fund Appropriation—Federal	\$	55,199,480
Total Appropriation	\$	61,082,055

NEW SECTION, Sec. 111A. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—IMPLEMENTATION OF LEARNING OBJECTIVES PROGRAM

General Fund Appropriation	\$	315,000
Total Appropriation	\$	315,000

\$315,000 shall be contingent on chapter (SHB 697), Laws of 1977 1st ex. sess. becoming law.

NEW SECTION, Sec. 112. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	72,727,980
Total Appropriation	\$	72,727,980
Elementary and Secondary Education Act of 1965	\$	68,356,080

Education of Indian Children	\$	1,800,000
Adult Basic Education	\$	2,571,900
NEW SECTION. Sec. 113. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS		
General Fund Appropriation—Federal	\$	24,007,122
Total Appropriation	\$	24,007,122

NEW SECTION. Sec. 114. COMMUNITY COLLEGE EDUCATION.

The appropriations contained in sections 115 through 120 of this act shall be subject to the conditions and limitations set forth in this section and the conditions and limitations set forth in the section making such appropriations. Such conditions and limitations shall be strictly construed.

(1) The program funding levels for the community college system for each fiscal year of the biennium are based in part on special nonformula items and in part on the following formula entitlements:

- (a) Student services program—65% of formula entitlement;
- (b) Plant operations and maintenance program:
 - (i) 60% of formula entitlement for variable costs; and
 - (ii) 100% of formula entitlement for fixed costs;
- (c) Instruction and departmental research—General program:
 - (i) 81.55% of formula entitlement for faculty staffing; and
 - (ii) 64% of formula entitlement for faculty support;
- (d) Libraries program:
 - (i) 55% of formula entitlement for staffing;
 - (ii) 54% for collections.

(2) In accordance with the provisions of this subsection the office of program planning and fiscal management shall use the allotment process during the 1977-79 biennium to control the funding of the formula portion of the instructional services program of all community colleges. Controls shall be applied to the community college education system as a total entity. For the purpose of the controls outlined in this section, full time equivalent student enrollment shall be the controlling factors. The "contract level" is defined as the average annual full time equivalent enrollment projection upon which the budget is based. The "base level" is defined as the prior year's actual average annual full time equivalent enrollment level. "Growth funding" is defined as that portion of the state general fund appropriation by which the contract level exceeds the base level. Growth funds shall be allotted at the beginning of each fiscal year. All unearned growth funds shall revert to the state general fund at the end of the fiscal year in which such enrollment fails to materialize.

Reversions are not required when the actual annual average full time equivalent student enrollment is within a set range of the contracted level. The allowable tolerance for the community college system as a single entity is three percent.

Contract enrollments for the second year of the biennium shall be revised by the office of program planning and fiscal management in the event the first year's actual average annual full time equivalent enrollment falls below the base level of the first year.

(3) The state board for community college education shall not transfer more than five percent of the funds generated by the formula entitlements set forth in subsection (1) of this section between programs. Such transfers are subject to review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the state board shall report the amounts and purposes of such transfers to the senate ways and means committee and house appropriations committee at the beginning of each session of the legislature.

(4) The aggregate cost of remunerated professional leaves awarded at any institution during any year, including the cost of replacement personnel, shall not

exceed the cost of salaries which otherwise would have been paid to personnel on leaves.

(5) The office of program planning and fiscal management, upon the failure of SSB 2435 (or a similar measure) to become law, shall reduce the allotments of state general funds for each fiscal year in amounts equal to the revenues which would have otherwise been available in the state general fund.

(6) The legislature directs that Olympia Technical Community College shall not become a comprehensive community college and shall offer only those courses essential to vocational education.

NEW SECTION. Sec. 114A. The state board for community college education and the boards of trustees for community college districts thirteen and fourteen may waive the payment of nonresident fees by residents of Clatsop, Columbia, Washington, Multnomah, and Hood River counties, Oregon, for the duration of the 1977-79 biennium, contingent upon evidence that similar waivers are made for residents of Cowlitz, Clark, Pacific, or Wahkiakum counties, Washington, to attend any of the following Oregon institutions: Clatsop, Portland, or Mount Hood community colleges, or Portland state university.

The council for postsecondary education, in cooperation with the state board for community college education, shall undertake a study of the effects on costs and participation rates of such reciprocity arrangements, as well as the feasibility of other reciprocity agreements involving the states of Idaho and Oregon. The council for postsecondary education shall work with the above referenced Oregon institutions and their governing bodies to secure maximum participation by the state of Oregon. The council shall, to the extent possible, involve interested legislators, groups, and institutions in such efforts. The council for postsecondary education shall present its report with recommendations to the 46th regular session of the Washington state legislature.

NEW SECTION. Sec. 115. **FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM**

General Fund Appropriation	\$	2,772,297
1975 Community College Capital Construction Fund		
Appropriation	\$	47,000
Total Appropriation	\$	2,819,297

\$306,430 from the general fund appropriation shall be expended exclusively for the development and installation of a comprehensive payroll/personnel system for community colleges which will become the model for a future common higher education payroll/personnel system.

NEW SECTION. Sec. 116. **FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTIONAL SERVICES PROGRAM**

General Fund Appropriation	\$	169,746,099
Total Appropriation	\$	169,746,099

An amount not to exceed \$159,432,244 from this appropriation shall be expended for instruction. An amount not to exceed \$10,313,855 from this appropriation shall be expended for primary support.

\$1,818,000 shall be expended for the small school adjustment to Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Skagit Valley Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 81.55% base level for each 100 full time equivalent students below the 2,500 enrollment level, except that no college shall be funded in excess of 98.54% of formula.

NEW SECTION. Sec. 117. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE LIBRARY SERVICES PROGRAM

General Fund Appropriation	\$	14,637,439
Total Appropriation	\$	14,637,439

NEW SECTION. Sec. 118. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	28,361,192
Total Appropriation	\$	28,361,192

\$1,472,957 shall be distributed by the state board and expended for the continuation of programs for minority and disadvantaged students: PROVIDED, That \$200,000 of the above amount may be utilized by the state board to continue the operation of an office of minority affairs at the state office.

NEW SECTION. Sec. 119. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	31,968,294
Total Appropriation	\$	31,968,294

NEW SECTION. Sec. 120. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	33,042,071
Total Appropriation	\$	33,042,071

NEW SECTION. Sec. 121. HIGHER EDUCATION.

The appropriations contained in sections 122 through 152 of this act shall be subject to the conditions and limitations set forth in this section and the conditions and limitations set forth in the section making such appropriations. Such conditions and limitations shall be strictly construed.

(1) The program funding levels for each four year institution of higher education for each fiscal year of the biennium are based in part on special nonformula items and in part on the following formula entitlements:

- (a) Student services program—75% of formula entitlement;
- (b) Plant operations and maintenance program:
 - (i) 60% of formula entitlement for variable costs; and
 - (ii) 100% of formula entitlement for fixed costs;
- (c) Instruction and departmental research—General program:
 - (i) 80% of formula entitlement for faculty staffing at Western Washington State College, 81.2% of formula entitlement for faculty staffing at Central Washington State College; 80% of formula entitlement for faculty staffing at The Evergreen State College and Washington State University; 82.8% of formula entitlement for faculty staffing at Eastern Washington State College; and 85.2% of formula entitlement at the University of Washington; and
 - (ii) 64% of formula entitlement for faculty support;
- (d) Libraries program:
 - (i) 55% of formula entitlement for staffing at the state colleges, 60% at Washington State University, and 75% at the University of Washington;
 - (ii) Formula entitlement for collections as follows: 80% at the University of Washington, 70% at Washington State University, 85% at Eastern Washington State College,

90% at Central Washington State College, 97% at The Evergreen State College, and 89% at Western Washington State College.

(2) In accordance with the provisions of this subsection the office of program planning and fiscal management shall use the allotment process during the 1977-79 biennium to control the funding of the formula portion of the instructional services program of all the four year institutions of higher education. Controls shall be applied to each four year institution separately. For the purpose of the controls outlined in this section, formula faculty entitlements shall be the controlling factors. The "contract level" is defined as the average annual full time equivalent enrollment projection upon which the budget is based. The "base level" is defined as the prior year's actual average annual full time equivalent enrollment level. "Growth funding" is defined as that portion of the state general fund appropriation by which the contract level exceeds the base level. Growth funds shall be allotted at the beginning of each fiscal year. All unearned growth funds shall revert to the state general fund at the end of the fiscal year in which such enrollment fails to materialize.

Contract enrollments for the second year of the biennium shall be revised by the office of program planning and fiscal management in the event the first year's actual average annual full time equivalent enrollment falls below the base level of the first year.

(3) The four year institutions of higher education are hereby authorized to request the approval of the office of program planning and fiscal management to transfer up to five percent of the amount of state general funds appropriated for any specific program to other programs. The office of program planning and fiscal management shall not approve any transfer request which would result in an expenditure of state general funds in any program in excess of 105% of the appropriation for such program. The office of program planning and fiscal management shall not approve any transfer request which would result in the operation of the instructional services program at any institution in excess of 80 percent of staffing formula entitlement. The office of program planning and fiscal management shall immediately report the amount and purpose of each such transfer to the senate ways and means committee and the house appropriations committee.

(4) No funds appropriated by sections 122 through 152 of this act shall be used for the inauguration or operation of any new degree program until such program has been reviewed and recommended by the council for postsecondary education.

(5) The aggregate cost of remunerated professional leaves awarded at any institution during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves.

(6) The office of program planning and fiscal management, upon the failure of SSB 2435 (or a similar measure) to become law, shall reduce the allotments of state general funds for each fiscal year in amounts equal to the revenues which would have otherwise been available in the state general fund.

(7) The average full time faculty direct classroom contact hours shall be at least 12 hours per week for the two universities and 14 hours per week for the four state colleges. Faculty direct classroom contact hours are defined as the actual number of hours of weekly instructional contact between the full time faculty member and the class in the case of scheduled classes and between the full time faculty member and the student enrolled in individual instruction courses. Office hours and informal student/faculty contact shall not be included except where specifically related to individual instruction courses. The council for postsecondary education shall develop uniform guidelines and reporting requirements to carry out the provisions of this subsection and shall monitor, each quarter or semester, institutional

conformance to the provisions and guidelines. The council for postsecondary education shall provide a report to the house appropriations committee and the senate ways and means committee by February 1, 1978, on the fall quarter 1978 experience and a similar report by October 1, 1979, on the 1978-79 average annual experience.

<u>NEW SECTION. Sec. 122. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTIONAL SERVICES PROGRAM</u>	
General Fund Appropriation	\$ 152,039,527
Accident Fund Appropriation	\$ 748,055
Medical Fund Appropriation	\$ 748,055
Total Appropriation	\$ 153,535,637

An amount not to exceed \$128,553,698 from these appropriations shall be expended for instruction. An amount not to exceed \$1,955,344 from these appropriations shall be expended for research. An amount not to exceed \$3,459,788 from these appropriations shall be expended for public service. An amount not to exceed \$16,970,697 from these appropriations shall be expended for primary support. An amount not to exceed \$1,100,000 from these appropriations shall be expended exclusively for Family Medicine Education and Residency Programs provided for by chapter 70.112 RCW.

<u>NEW SECTION. Sec. 123. FOR THE UNIVERSITY OF WASHINGTON—FOR THE LIBRARIES PROGRAM</u>	
General Fund Appropriation	\$ 15,976,521
Total Appropriation	\$ 15,976,521

<u>NEW SECTION. Sec. 124. FOR THE UNIVERSITY OF WASHINGTON—FOR THE STUDENT SERVICES PROGRAM</u>	
General Fund Appropriation	\$ 7,966,982
Total Appropriation	\$ 7,966,982

<u>NEW SECTION. Sec. 125. FOR THE UNIVERSITY OF WASHINGTON—FOR THE UNIVERSITY HOSPITAL PROGRAM</u>	
General Fund Appropriation	\$ 16,206,789
Total Appropriation	\$ 16,206,789

<u>NEW SECTION. Sec. 126. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTITUTIONAL SUPPORT PROGRAM</u>	
General Fund Appropriation	\$ 25,497,996
Total Appropriation	\$ 25,497,996

<u>NEW SECTION. Sec. 127. FOR THE UNIVERSITY OF WASHINGTON—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM</u>	
General Fund Appropriation	\$ 32,592,886
Total Appropriation	\$ 32,592,886

<u>NEW SECTION. Sec. 128. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM</u>	
General Fund Appropriation	\$ 90,351,543
Total Appropriation	\$ 90,351,543

An amount not to exceed \$56,948,336 from this appropriation shall be expended for instruction. An amount not to exceed \$16,749,503 from this appropriation shall be expended for research. An amount not to exceed \$9,010,335 from this appropriation shall be expended for public service. An amount not to exceed \$7,643,369 from this appropriation shall be expended for primary support.

<u>NEW SECTION. Sec. 129. FOR WASHINGTON STATE UNIVERSITY—FOR THE LIBRARIES PROGRAM</u>	
General Fund Appropriation	\$ 8,153,015
Total Appropriation	\$ 8,153,015

NEW SECTION, Sec. 130. FOR WASHINGTON STATE UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	5,496,642
Total Appropriation	\$	5,496,642

NEW SECTION, Sec. 131. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	11,338,569
Total Appropriation	\$	11,338,569

NEW SECTION, Sec. 132. FOR WASHINGTON STATE UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	17,981,806
Total Appropriation	\$	17,981,806

NEW SECTION, Sec. 133. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	22,191,264
Total Appropriation	\$	22,191,264

An amount not to exceed \$18,865,567 from this appropriation shall be expended for instruction. An amount not to exceed \$51,673 from this appropriation shall be expended for research. An amount not to exceed \$709,971 from this appropriation shall be expended for public service. An amount not to exceed \$2,564,053 from this appropriation shall be expended for primary support.

NEW SECTION, Sec. 134. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	2,330,280
Total Appropriation	\$	2,330,280

NEW SECTION, Sec. 135. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	2,263,641
Total Appropriation	\$	2,263,641

NEW SECTION, Sec. 136. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	4,490,968
Total Appropriation	\$	4,490,968

NEW SECTION, Sec. 137. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	6,926,266
Total Appropriation	\$	6,926,266

NEW SECTION, Sec. 138. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	20,472,636
Total Appropriation	\$	20,472,636

An amount not to exceed \$18,243,637 from this appropriation shall be expended for instruction. An amount not to exceed \$51,397 from this appropriation shall be expended for research. An amount not to exceed \$81,339 from this appropriation shall be expended for public service. An amount not to exceed \$2,096,253 from this appropriation shall be expended for primary support. An amount of \$50,000 shall be expended for instructional services for development and operation of educational services in the Tri Cities area of Benton and Franklin counties.

NEW SECTION, Sec. 139. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	3,172,500
Total Appropriation	\$	3,172,500

NEW SECTION, Sec. 140. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	2,204,420
Total Appropriation	\$	2,204,420

NEW SECTION, Sec. 141. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	4,265,474
Total Appropriation	\$	4,265,474

NEW SECTION, Sec. 142. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	5,576,206
Total Appropriation	\$	5,576,206

NEW SECTION, Sec. 143. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	8,477,999
Total Appropriation	\$	8,477,999

An amount not to exceed \$7,606,181 from this appropriation shall be expended for instruction. An amount not to exceed \$21,071 from this appropriation shall be expended for public service. An amount not to exceed \$850,747 from this appropriation shall be expended for support services.

NEW SECTION, Sec. 144. FOR THE EVERGREEN STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	2,194,159
Total Appropriation	\$	2,194,159

NEW SECTION, Sec. 145. FOR THE EVERGREEN STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	991,763
Total Appropriation	\$	991,763

NEW SECTION, Sec. 146. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	2,767,007
Total Appropriation	\$	2,767,007

NEW SECTION, Sec. 147. FOR THE EVERGREEN STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	4,107,102
Total Appropriation	\$	4,107,102

NEW SECTION, Sec. 148. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	27,697,932
Total Appropriation	\$	27,697,932

An amount not to exceed \$25,677,795 from this appropriation shall be expended for instruction. An amount not to exceed \$221,889 from this appropriation shall be expended for research. An amount not to exceed \$119,302 from this appropriation shall be expended for public service. An amount not to exceed \$1,678,946

from this appropriation shall be expended for primary support. An amount not to exceed \$96,077 from the moneys for instruction shall be expended exclusively for the Fairhaven College bridge project.

NEW SECTION. Sec. 149. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	3,021,729
Total Appropriation	\$	3,021,729

NEW SECTION. Sec. 150. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	3,019,774
Total Appropriation	\$	3,019,774

NEW SECTION. Sec. 151. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	5,582,301
Total Appropriation	\$	5,582,301

NEW SECTION. Sec. 152. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	5,851,543
Total Appropriation	\$	5,851,543

NEW SECTION. Sec. 153. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	34,000
Total Appropriation	\$	34,000

NEW SECTION. Sec. 154. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation—State	\$	13,566,874
General Fund Appropriation—Federal	\$	2,290,000
Total Appropriation	\$	15,856,874

NEW SECTION. Sec. 155. FOR THE COMMISSION ON VOCATIONAL EDUCATION

General Fund Appropriation—State	\$	2,806,000
General Fund Appropriation—Federal	\$	18,310,000
Total Appropriation	\$	21,116,000

NEW SECTION. Sec. 156. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund		
Appropriation	\$	909,915
Total Appropriation	\$	909,915

NEW SECTION. Sec. 157. FOR THE STATE LIBRARY

General Fund Appropriation—State	\$	5,174,482
General Fund Appropriation—Federal	\$	2,196,332
General Fund Appropriation—Private	\$	840,000
Washington Library Network Data Processing System		
Revolving Fund Appropriation—State	\$	1,188,227
Washington Library Network Data Processing System		
Revolving Fund Appropriation—Private/Local	\$	4,502,984
Total Appropriation	\$	13,902,025

NEW SECTION. Sec. 158. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	675,425
General Fund Appropriation—Federal	\$	845,000

Indian Cultural Center Construction Account Appropria- tion—State	\$	1,000,000
Total Appropriation	\$	2,520,425

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$419,900 including \$269,425 from the state funds and \$150,475 from federal funds shall be expended exclusively for administration.

(2) Not more than \$1,100,525 including \$406,000 from the general fund appropriation—state and \$694,525 from the general fund appropriation—federal shall be expended exclusively for grants.

(3) No bonds authorized by chapter 128, Laws of 1975-'76 2nd ex. sess. shall be sold until not less than \$2,700,000 in additional federal and private funding is provided or secured.

(4) The Indian Cultural Center Construction Account Appropriation contained in this section shall be expended exclusively for a grant to the city of Seattle for planning, acquisition, design, construction, furnishing, and landscaping of a regional Indian cultural and educational facility designated as the "People's Lodge" and located at Discovery Park or any site in Seattle, agreed to by the city.

NEW SECTION. Sec. 159. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	454,837
Total Appropriation	\$	454,837

NEW SECTION. Sec. 160. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	408,000
Total Appropriation	\$	408,000

NEW SECTION. Sec. 161. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

(1) ADMINISTRATION AND SUPPORT SERVICES PROGRAM.

General Fund Appropriation	\$	363,000
General Fund—State Capitol Historical Association Museum Account Appropriation	\$	46,000
Total Appropriation	\$	409,000

(2) STUDY PROGRAM.

General Fund Appropriation	\$	25,000
Total Appropriation	\$	25,000

The appropriation contained in this subsection shall be expended exclusively for a study to be submitted no later than November 1, 1978, to the senate ways and means committee and the house of representatives appropriation committee and the standing state government committees of the legislature to determine the potential of developing a self-supportive basis for the state capitol museum through permissible business enterprises or other activities which will provide profit to the museum. The intent of this study is to determine whether or not it is possible for a state museum to provide for its own financial support without state support. The study will include what is being done in other states, an economic assessment of the potential in this state, an implementation plan, and a draft of proposed enabling legislation.

NEW SECTION. Sec. 162. FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Washington Library Network Data Processing Sys- tem Revolving Fund	\$	1,188,227
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General Fund Appropriation: For transfer to the Reserve for Accrued Revenue Account pursuant to chapter 70, Laws of 1975-'76 2nd ex. sess.	\$	34,420,000
State Treasurer's Service Fund Appropriation: For transfer to the state general fund on or before July 20, 1979, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1980, for credit to the fiscal year in which earned.	\$	5,000,000
General Fund—Investment Reserve Account Appropriation: For transfer to the state general fund on or before June 30, 1979, pursuant to chapter 50, Laws of 1969	\$	9,200,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1979, pursuant to the provisions of section 4(2), chapter 129, Laws of 1972 ex. sess.	\$	6,000,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1979, pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.	\$	6,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the Utilities and Transportation Commission for the 1977-79 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53-.291	\$	582,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1977, through June 30, 1979	\$	2,000,000
NEW SECTION. Sec. 162A. FOR THE HORSE RACING COMMISSION—TRANSFERS		
Horse Racing Commission Fund Appropriation	\$	900,000

For transfer to the general fund unless revised revenue estimates indicated to the office of program planning and fiscal management indicate a lesser amount should be transferred.

NEW SECTION. Sec. 163. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period July 1, 1977, to June 30, 1979.

SUNDRY CLAIMS

General Fund Appropriations, except as otherwise provided, for relief of various individuals, firms, and corporations for sundry claims and for the reason that the state of Washington recognizes a moral obligation to these claimants. These appropriations are to be disbursed on vouchers approved by the chief fiscal officer of the executive branch, except as otherwise provided, as follows:

- (1) RUTH B. PEDERSON, For payment to widow of policeman in lieu of pension
- | | | |
|--|----|----------|
| | \$ | 1,535.00 |
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(2) KEN'S PHARMACY, Payment for prescriptions provided to state applicants	\$	1,305.55
(3) BARRY J. DAHL, Payment of cost bill for State v. Charles Lesnick	\$	416.80
(4) PATRICIA J. ORSBORN, Payment of transcription fee for Anderson v. Morris	\$	78.00
(5) DONALD E. EARNEST, Payment for overcharge for 1973 travel trailer license fees	\$	49.00
(6) CLERK OF THE SUPERIOR COURT, County of Spokane, costs assessed against the state pursuant to Supreme Court Remittitur No. 43685	\$	222.94
(7) CLERK OF THE SUPERIOR COURT, County of Cowlitz, Costs assessed against the state pursuant to Supreme Court Remittitur No. 1655-II	\$	185.62
(8) VALEN H. HONEYWELL, Judgment against the state in Pacific National Bank v. State	\$	5,978.46
(9) J. STEVEN THOMAS, Costs assessed against the state	\$	42.00
(10) RICHARD E. SNYDER, Payment for loss of personal property during robbery at state liquor store	\$	40.75
(11) RUSSELL A. AUSTIN, JR., Judgment against the state in Y.A.F. v. C.O.P.E.	\$	5,551.59
(12) MARLIN L. VORTMAN, Judgment against the state in Geary S. Thompson v. Wenatchee Valley College	\$	2,592.70
(13) HANS C. H. JENSEN, Payment for cost bill pursuant to Iverson v. Marine Bancorporation	\$	300.00
(14) WILLIAM B. CAMERON, Payment for construction work at Skagit Valley College: PROVIDED, That payment is hereby authorized and shall be made from Skagit Valley College Reserve Funds	\$	28,708.23
(15) MICHAEL C. CHRISTIE and JOHN M. WATSON: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Michael C. Christie and John M. Watson prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to payment for relief of unjust imprisonment"	\$	100,000.00
(16) JAMES V. KESSLER, Payment for crop damage caused by elk over a two year period: PROVIDED, That \$732.00 shall be for damages caused in calendar year 1975 and \$802.50 shall be for damages caused in calendar year 1976: PROVIDED FURTHER, That two separate payments shall be made from Department of Game Funds, established for that purpose pursuant to RCW 77.12.280	\$	1,534.50
(17) SCOTT R. WARD, Payment for crop damage caused by elk	\$	2,500.00

- (18) JOE AND LAFE WILSON, Damage to fruit trees by beaver \$ 5,000.00
- (19) PAULINE McCLELLAN, Damage to coats by mice \$ 115.00
- (20) ROBERT A. KIESZ, Payment for legal services for representing a client on behalf of the state \$ 938.39
- (21) RICHARD McKINNEY, Payment for relief for the death of the daughter of Mr. and Mrs. Alfred Kinghammer: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Alfred Kinghammer and Richard McKinney prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to the death of the daughter (Nancy Kinghammer) caused by James Edward Ruzicka" \$ 120,000.00
- (22) KINNE F. HAWES, Payment for relief for death of daughter of Edward and Geraldine Haddenham: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Edward and Geraldine Haddenham and Kinne F. Hawes prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to the death of the daughter (Penny Haddenham) caused by James Edward Ruzicka" \$ 120,000.00
- (23) WILLIAM C. MEECE and HOWARD K. MICHAELSEN: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be signed by William C. Meece and Howard K. Michaelsen prior to the release of the warrant which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof and their agents and all parties to Cause No. 180299, Superior Court of Spokane County, from any future claims with regard to payment for the relief of personal injuries received by William C. Meece at Circle Bar J Ranch, except that William C. Meece may seek satisfaction of judgment in Cause No. 180299 against Circle Bar J Ranch in an amount not to exceed \$10,000.00. The undersigned further agree to file with the Spokane County Superior Court a release of judgment satisfying Cause No. 180299 entered on the 24th day of July, 1974, in all amounts except \$10,000.00 which will remain the obligation of the defendant in said action." \$ 100,000.00

- (24) HELEN LEE HOLCOMB, DONALD J. HOROWITZ, JUDITH JEFFERS, and GERALD L. BANGS: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be signed by Helen Lee Holcomb, Donald J. Horowitz, Judith Jeffers, and Gerald L. Bangs prior to the release of the warrant which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof and their agents from any further claims with regard to personal injuries suffered by claimant Helen Lee Holcomb on March 11, 1973. The undersigned attorneys, Donald J. Horowitz, Judith Jeffers, and Gerald L. Bangs further agree that they release claimant Helen Lee Holcomb from any claims against her for attorneys fees, costs, and expenses incurred on her behalf in connection with this claim or the injuries which are the basis thereof, in excess of one-third of the amount granted herein, notwithstanding the terms of any other agreement between the undersigned parties." \$ 75,000.00
- (25) CLERK OF THE SUPERIOR COURT, County of Pacific, Costs assessed against the state pursuant to Supreme Court Remittitur No. 44158 \$ 1,198.25

ELECTION COSTS

General Fund Appropriation reimbursing counties for the state's share of election costs:

ADAMS COUNTY	\$	4,473.91
ASOTIN COUNTY	\$	4,199.52
BENTON COUNTY	\$	11,369.95
CHELAN COUNTY	\$	11,890.51
CLALLAM COUNTY	\$	13,029.46
CLARK COUNTY	\$	17,486.58
COLUMBIA COUNTY	\$	1,056.33
COWLITZ COUNTY	\$	20,795.20
DOUGLAS COUNTY	\$	7,170.00
FERRY COUNTY	\$	8,090.85
FRANKLIN COUNTY	\$	4,461.83
GARFIELD COUNTY	\$	954.39
GRANT COUNTY	\$	13,531.35
GRAYS HARBOR COUNTY	\$	14,083.91
ISLAND COUNTY	\$	7,529.94
JEFFERSON COUNTY	\$	3,066.68
KING COUNTY	\$	227,840.85
KITSAP COUNTY	\$	19,344.98
KITTITAS COUNTY	\$	6,411.35
KLICKITAT COUNTY	\$	6,188.98
LEWIS COUNTY	\$	25,348.08
LINCOLN COUNTY	\$	9,605.24
MASON COUNTY	\$	9,389.38
OKANOGAN COUNTY	\$	9,413.22
PACIFIC COUNTY	\$	8,006.85
PEND OREILLE COUNTY	\$	5,668.38

PIERCE COUNTY	\$ 58,355.60
SAN JUAN COUNTY	\$ 3,313.04
SKAGIT COUNTY	\$ 17,308.53
SKAMANIA COUNTY	\$ 4,242.88
SNOHOMISH COUNTY	\$ 66,829.51
SPOKANE COUNTY	\$ 46,636.03
STEVENS COUNTY	\$ 5,517.66
THURSTON COUNTY	\$ 22,354.87
WAHKIAKUM COUNTY	\$ 3,767.29
WALLA WALLA COUNTY	\$ 8,161.71
WHATCOM COUNTY	\$ 13,615.56
WHITMAN COUNTY	\$ 12,337.62
YAKIMA COUNTY	\$ 23,645.42

NEW SECTION. Sec. 164. The office of program planning and fiscal management is hereby requested to cooperate fully with the legislative evaluation and accountability program committee in the areas of appropriation schedules, allotments, and estimated expenditure schedules as such items relate to the monitoring and evaluation by the LEAP data processing system of funds appropriated in this act. It is the intent of the legislature to cooperate with the governor in the implementation of RCW 43.88.070 which provides in part: "Appropriations shall be deemed maximum authorizations to incur expenditures... to ensure that expenditure rates are such that program objectives are realized within these maximums".

NEW SECTION. Sec. 165. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1977. The provisions of this section shall be null and void if HB 54 (or a similar measure) becomes law.

NEW SECTION. Sec. 166. The word "agency" used herein means and includes every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above mentioned officials serve.

NEW SECTION. Sec. 167. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, shall:

(1) Allot all or any portion of the funds herein appropriated or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve: **PROVIDED**, That the director of the office of program planning and fiscal management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of chapter 15.66 RCW; the legislative branch of state government including the legislative budget committee, the legislative evaluation and accountability program committee, the state actuary, the statute law committee,

and any legislative committee; or the judicial branch of state government: **PROVIDED FURTHER**, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved appropriations or to incur a deficiency and any obligations so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revisions of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1977: **PROVIDED**, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1977.

NEW SECTION. Sec. 168. Unless prohibited by federal law the receipt of federal or other funds which are not anticipated in the appropriation bill enacted by the legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources. Any state funds replaced by federal or other receipts shall be placed in reserve at the end of the respective fiscal year to the credit of the appropriate state fund or account, and shall not be expended, unless authorized by law.

NEW SECTION. Sec. 169. In the event that receipts shall be less than those estimated in the budget from any source, expenditures shall be limited to the amount received. Receipts for purposes of this section shall include amounts realized within one calendar month following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

NEW SECTION. Sec. 170. State funds appropriated for the specific purpose of matching federal funds and which are not required wholly or in part to qualify for such federal funds shall be placed in reserve and shall revert to the general fund at the end of the respective fiscal year.

NEW SECTION. Sec. 171. In the event that federal funds received for a program or activity are less than the amount of federal funds appropriated for such program or activity, the total expenditure for such program or activity shall be reduced by an equal amount and no state funds shall be used to replace the federal funds.

NEW SECTION. Sec. 172. If a scheduled program or project funded by the appropriations contained in this act has not been fully implemented during any quarter of the respective fiscal year, then the office of program planning and fiscal management shall withhold the equivalent amount of the appropriation and full time equivalent staff years from such program or project and shall place the same in reserve at the end of the respective fiscal year.

NEW SECTION. Sec. 173. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

NEW SECTION. Sec. 174. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management shall direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION, Sec. 175. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, transfers, and interest on registered warrants, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION, Sec. 176. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION, Sec. 177. It is the expressed intention of the legislature that agency operational activity shall be regularly monitored by the office of program planning and fiscal management, under their statutory authority relating to the allotment control function, in order to limit fluctuations in the respective fiscal year spending patterns which tend to inflate the expenditures in the second fiscal year of the biennium. Particular control emphasis shall be placed on those instances in which the full time equivalent staff years authorization is deliberately delayed in order to increase the agency's full time equivalent staff years as substantiation for the second fiscal year or the ensuing biennial request. Unanticipated receipts, which are authorized by the governor and expended by any state agency, shall be allotted, monitored, controlled, and reported separately at the end of the respective fiscal year and at the end of the biennium to the governor and the house appropriations committee and the senate ways and means committee. Such report shall identify the full time equivalent staff years and the program and/or activity for which such funds were expended.

NEW SECTION, Sec. 178. To obtain maximum interagency use of aircraft, the Aeronautics Commission in accordance with chapter 39.34 RCW is hereby authorized to lease, purchase, or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: PROVIDED, That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance, and make such other provisions as necessary to provide aircraft and related services for multi-agency use: PROVIDED FURTHER, That in order to achieve economy in the use of the appropriations contained within this act no state agency may purchase or otherwise acquire an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the director of the office of program planning and fiscal management.

NEW SECTION, Sec. 179. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act; the rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 180. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 181. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate refused to concur in the House amendment to Substitute Senate Bill No. 3109, and asks the House to recede therefrom.

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

REPORTS OF STANDING COMMITTEES

May 18, 1977.

SENATE BILL NO. 2422, prohibiting the mandatory retirement of public employees under the age of seventy (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Fleming, Grant, Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Rasmussen, Ridder, Scott, Walgren, Washington, Woody.

Passed to Committee on Rules for second reading.

May 18, 1977.

SENATE BILL NO. 3097, relating to vocational education (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 3097 be substituted therefor and the substitute bill be referred to Ways and Means.

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Referred to Committee on Ways and Means.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 267.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 267, by Committee on Transportation (originally sponsored by Representative Martinis) (by Department of Natural Resources request):

Modifying the law on the acquisition and disposition of public lands for state highways.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Substitute House Bill No. 267 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 267, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 7; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Voting nay: Senator Van Hollebeke—1.

Absent or not voting: Senators Bottiger, Donohue, Francis, Gaspard, McDermott, Talley, Woody—7.

Excused: Senators Cunningham, Peterson—2.

SUBSTITUTE HOUSE BILL NO. 267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Odegaard, Senator McDermott was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 292, by Committee on Local Government (originally sponsored by Representatives Valle, Chandler, Thompson and Fischer):

Changing water district comprehensive planning and finance law.

REPORT OF STANDING COMMITTEE

May 5, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 292, changing water district comprehensive planning and finance law (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 7, line 14, strike "~~((two))~~ four" and insert "two"

On page 7, line 16, after "least" strike "~~((fifteen))~~ twenty-nine" and insert "fifteen"

On page 7, line 21, after "least" strike "~~((fifteen))~~ twenty-nine" and insert "fifteen" Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Ridder.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were considered and adopted simultaneously.

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

On page 4, line 13, strike "~~((The amount of the bonds to be issued shall be included in the proposition submitted-))~~" and insert "The amount of the bonds to be issued shall be included in the ~~((proposition))~~ resolution submitted."

On motion of Senator Washington, the rules were suspended, Engrossed Substitute House Bill No. 292, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 292, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Voting nay: Senators Grant, Pullen, Rasmussen, Ridder, Van Hollebeke—5.

Absent or not voting: Senators Bottiger, Mardesich, Matson—3.

Excused: Senators Cunningham, McDermott, Peterson—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 292, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTIONS

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

On motion of Senator Marsh, Senate Resolution 1977-47, regarding use of arbitration involving disputes concerning health care delivery system was referred to the Committee on Rules.

On motion of Senator Marsh, Senate Resolution 1977-48, regarding involving professional malpractice and product liability to the Committee on Rules.

On motion of Senator Marsh, the Senate returned to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 183.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 183, by Committee on Judiciary (originally sponsored by Representatives Smith, Knowles, Enbody, Knedlik and Hanna): Establishing procedures for guardianship of disabled persons.

REPORT OF STANDING COMMITTEE

March 16, 1977.

SUBSTITUTE HOUSE BILL NO. 183, establishing procedures for guardianship of disabled persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 26, after "located" and before the period, strike "or the county of domicile" and insert ", the county of domicile, or the county wherein a parent of the alleged incompetent or disabled person is domiciled"

On page 6, line 28, after "motion" and before "appoint" strike "may" and insert "shall"

On page 7, line 4, after "physician" strike all of the material down to and including "amended" on line 6

On page 7, line 24, after "guardian," and before "the court" insert "except as provided herein,"

On page 8, line 5, after "her" strike all of the material down to and including "petition" on line 7 and insert "child"

On page 9, add a new subsection following subsection (3) and renumber the remaining subsections consecutively:

"(4) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem and any other qualified person or organization to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to RCW 11.88.090 (3) (b)."

On page 9, strike all of subsection (5)

On page 16, line 5, after "consent to" and before "only after" on line 12, strike "therapy or other procedure which induces convulsion or to a surgical procedure solely for the purpose of sterilization or psychosurgery or to an amputation or other major surgical procedure except as an emergency life saving measure. A guardian or limited guardian who believes such procedures to be necessary for the proper care and maintenance of the incompetent or disabled person shall petition the court for an order to consent to such a procedure. The court may order such a procedure" and insert ":

(a) Therapy or other procedure which induces convulsion;

(b) Surgical or chemical procedure solely for the purpose of sterilization;

(c) Psychosurgery, amputation or other major surgical procedure except as an emergency life saving measure;

(d) Other psychiatric/mental health procedures which are intrusive on the person's body integrity, physical freedom of movement, or the rights set forth in RCW 71.05.370;

(e) Placement in a residential facility for nursing or other care when the alleged incompetent or disabled person can not or will not give informed consent;

(f) Court determination of the total incompetency of the alleged incompetent or disabled person.

A guardian or limited guardian who believes such procedures to be necessary for the proper care and maintenance of the incompetent or disabled person shall petition the court for such order. The court may make such order"

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Clarke, Hayner, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Hayner, the committee amendments were adopted.

On motion of Senator Odegard, Senators Fleming, Mardesich and Walgren were excused.

On motion of Senator Jones, Senators Benitz, Buffington, Levin, Matson, Morrison, Murray, Scott and Wanamaker were excused.

On motion of Senator Hayner, the rules were suspended, Substitute House Bill No. 183, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 183, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; absent or not voting, 1; excused, 14.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Monohon, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—34.

Absent or not voting: Senator Wojahn—1.

Excused: Senators Benitz, Buffington, Cunningham, Fleming, Lewis, Mardesich, Matson, McDermott, Morrison, Murray, Peterson, Scott, Walgren, Wanamaker—14.

SUBSTITUTE HOUSE BILL NO. 183, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 298.

SECOND READING

ENGROSSED HOUSE BILL NO. 298, by Representatives Martinis, Moreau and Wilson (by Department of Natural Resources request):

Extending forest patrol assessments to public bodies.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Engrossed House Bill No. 298 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Talley yield? Senator Talley, there is a provision in the digest. I am looking for it in the bill here, that provides that the investigation and litigation and costs incurred by the department will be repaid. Now is there any provision that at least the costs of the attorney general's office, actually be repaid to the general fund or where do they go, into the revolving fund?"

Senator Talley: "They have a fund that is a revolving fund now, Senator Woody, that the association pays into and certain amounts—and I think the sales go into this fund, too. It is a revolving fund and they have an attorney assigned to them for any criminal charges or anything like that that might be applicable."

Senator Woody: "Is that the same treatment of their revolving fund as all agencies have with the attorney general's costs and expenses that are recovered?"

Senator Talley: "As far as the attorneys—Senator Woody, I can't answer you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 298, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 1; excused, 9.

Voting yea: Senators Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senator Bausch—1.

Excused: Senators Benitz, Buffington, Cunningham, Lewis, McDermott, Morrison, Murray, Peterson, Wanamaker—9.

ENGROSSED HOUSE BILL NO. 298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Jones, Engrossed Substitute House Bill No. 440 was ordered held for consideration later today.

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 293.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 293, by Committee on Local Government (originally sponsored by Representatives Valle, Chandler, Thompson and Fischer):

Clarifying and changing sewer district finance law.

REPORT OF STANDING COMMITTEE

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 293, clarifying and changing sewer district finance law (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, line 20, strike "~~((two))~~ four" and insert "two"

On page 8, line 22, after "least" strike "~~((fifteen))~~ twenty-nine" and insert "fifteen"

On page 8, line 27, after "least" strike "~~((fifteen))~~ twenty-nine" and insert "fifteen"

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Ridder.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were considered and adopted simultaneously.

POINT OF INQUIRY

Senator Day: "Mr. President, would Senator Washington yield to a question? Senator Washington, I haven't had an opportunity to really take a look at this bill. As I read the analysis here, does that mean now that rather than having to be a couple that a single person who is left with a piece of property under certain circumstances could file a homestead?"

Senator Washington: "This has nothing to do with that. This relates to sewer districts."

Senator Day: "Oh, I'm sorry. I thought it was 440."

On motion of Senator Washington, the following amendments were adopted:

On page 3, line 23, after the period insert:

"The amount of the revenue bonds to be issued shall be included in the resolution submitted."

On page 4, line 1, at the end of the section, add:

"The resolution shall include the amount of the bonds to be issued."

Senator Rasmussen moved adoption of the following amendment:

On page 9, after line 18, insert the following additional sections:

"Sec. 11. Section 23, chapter 72, Laws of 1967 as amended by section 10, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.230 are each amended to read as follows:

Utility local improvement districts to carry out all or any portion of the general plan, or additions and betterments thereof, may be initiated either by resolution of the board of county commissioners or by petition signed by ~~((the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of land))~~ twenty-five percent of the qualified electors residing within the limits of the utility local improvement district to be created.

In case the board shall desire to initiate the formation of a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed utility local improvement district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

In case any such utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof ~~((are the owners according to the records of the county auditor of at least fifty-one percent of the area of land))~~ constitute twenty-five percent of the qualified electors residing within the limits of the utility local improvement district to be created. Upon the filing of such petition with the clerk of the board of county commissioners, the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from said petition after the filing thereof with the clerk of the board of county commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the ~~((property owners))~~ qualified electors, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, and the date, time and place of the hearing before the board of county commissioners~~((; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the clerk of the board of county commissioners before the time fixed for said public hearing))~~.

Sec. 12. Section 24, chapter 72, Laws of 1967 as amended by section 11, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.240 are each amended to read as follows:

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice (~~to the property owners~~). At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary: PROVIDED, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice (~~to property owners~~) in the manner and form and within the time herein provided for the original notice.

~~((After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: PROVIDED, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the clerk of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district. No action whatsoever may be maintained challenging the jurisdiction or authority of the county to proceed with the improvement and creating the utility local improvement district or in any way challenging the validity thereof or any proceedings relating thereto unless that action is served and filed no later than thirty days after the date of passage of the resolution ordering the improvement and creating the local district.))~~

If the commissioners find that the district should be formed, they shall by resolution call a special election to be held not less than sixty nor more than one hundred twenty days from the date of the resolution and cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the county in which the proposed district is to be located. If a majority of the electors voting thereon approve the formation of the district the commissioners shall order the improvement, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the county such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the county to proceed with the work. The board of county commissioners shall proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local utility improvement district in proportion to the special benefits to be derived by the property therein from the improvement."

POINT OF ORDER

Senator Washington: "Point of parliamentary inquiry. I intend to raise the issue of scope and object of this amendment, and I think it might be well to raise it now so that you have that matter before you to determine before we come back.

"Raising the question of scope and object, and that this amendment does change the scope and object of the bill. The present bill relates only to sewer districts and relates to chapter 56.08. The amendment by Senator Rasmussen relates to chapter 36.94 which relates to counties. The bill relates only to sewer districts, relates only to sewers. The Rasmussen amendment relates to counties and it relates to the methods, not only for setting up an LID for a sewer system, but also a water system and a drainage system.

"So it expands and changes the scope in that it relates to counties, and not sewer districts. It relates to water systems and drainage systems in addition to sewer systems and makes a very substantial change in the method of setting up an LID, changing the number from twenty-five percent of the electors. At the present time it

is fifty-one percent of the area of the land. He is changing it from a matter relating to land and making an amendment that provides that electors who may not own land in the district or a number of very small ones who would be able to establish an LID against the wishes of a substantial acreage of the property. So, it clearly expands the scope and object of the bill."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, in opposing Senator Washington's challenge on the scope and object, I would refer him to the recent supreme court case in which all qualified electors are entitled to vote. You no longer may restrict by being a property holder. The same thing has been ruled on in the case of a freeholder, and that should take care of his question of the electors.

"Other than that, the amendment as proposed, provides for any improvements that the residents of the area desire to form a local improvement district that they may petition by twenty-five percent of the qualified electors and that they also then would go to a vote of the people in the proposed urban local improvement district.

"I think it is wholly within the scope of the proposal that is before us in House Bill 293, and I would urge that the President so rule."

MOTION

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 293, as amended, together with the pending amendment by Senator Rasmussen and the Point of Order raised by Senator Washington, was ordered held for consideration on May 20, 1977.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Fleming served notice that he would, later today, move for reconsideration of the vote by which Engrossed Substitute House Bill No. 292, as amended by the Senate, passed the Senate today.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 440.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 440, by Committee on Judiciary (originally sponsored by Representatives Smith, Winsley and Knowles) (by Judicial Council request):

Modifying the homestead exemption.

The bill was read the second time by sections.

Senator Jones moved the following amendments by Senators Jones, Hayner and Woody be adopted and considered simultaneously:

On page 1, line 26, after "married" strike "~~((, but is the head of a family within the meaning of RCW 6.12.298 as now or hereafter amended;))~~" and insert ", but is the head of a family within the meaning of RCW 6.12.290 as now or hereafter amended,"

On page 2, line 3, after "the" strike all material through "claimant" on line 4 and insert "husband, wife, or other head of a family"

On page 2, line 21, after "(1)" strike all material through the period on line 22 and insert "A statement showing that the person making it is the head of a family."

Renumber remaining subsections consecutively.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator Jones yield to a question? Senator Jones, as I understand it, then, we would go back to the old law that would say that a single person is not entitled to the protection of a homestead even though they are living there in the home and they simply are single and they are not then within the definition of 6.12.290?"

Senator Jones: "Senator Bottiger, it is my understanding that the original concept was for the head of the family, and right, we would go back to what is the cornerstone, I believe, of our way of life, the head of a family."

Debate ensued.

The motion by Senator Jones failed and the amendments were not adopted on a rising vote.

On motion of Senator Francis, the rules were suspended, Engrossed Substitute House Bill No. 440 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 440, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Cunningham, McDermott, Peterson—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 675, by Committee on Social and Health Services (originally sponsored by Representatives Fischer, Adams, Sherman, Erickson, North, Clemente, Hughes, Salatino, Nelson (Dick), Vrooman, Burns, Keller, Pearsall, Grier, Owen, Hanna, Gruger, Gallagher, Bauer, Bender, Charnley, Knowles, Williams, Gaines, McCormick, Maxie, Grimm, Hurley (George), Douthwaite, Lux, Martinis, Sommers and Walk):

Abolishing pay toilets and requiring certain places of public accommodation to have free public toilet facilities.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 675 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Henry: "Will Senator Day yield to a question? Would you say that the philosophy is behind this that makes Mother Nature call, she shouldn't have to call collect?"

Senator Day: "That is correct."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 675, and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Henry, Herr, Keefe, Marsh, Monohon, Murray, North, Odegaard, Rasmussen, Ridder, Sandison, Walgren, Washington, Wilson, Wojahn, Woody—27.

Voting nay: Senators Bluechel, Buffington, Clarke, Guess, Hayner, Jones, Lewis, Mardesich, Matson, Morrison, Newschwander, Pullen, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker—18.

Absent or not voting: Senator Benitz—1.

Excused: Senators Cunningham, McDermott, Peterson—3.

SUBSTITUTE HOUSE BILL NO. 675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Day, Substitute House Bill No. 675 was ordered immediately transmitted to the House.

SECOND READING

HOUSE BILL NO. 927, by Representatives Flanagan, Hansen and Oliver:

Exempting community college district employees working outside states' boundaries from higher education personnel law.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, House Bill No. 927 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Odegaard yield to a question? Senator Odegaard, how do they handle the transfer personnel, for instance, employed by Big Bend, I would like to have this open spot over there in the community college branch in West Germany. Are they then allowed to take that spot?"

Senator Odegaard: "I imagine, if they qualify and they go through the regular procedures that they would be. Senator Washington is probably more familiar with that particular program than I would be."

Senator Rasmussen: "My question is that if they then are on the system here, transfer over there, this bill would take them out from under the protection?"

Senator Odegaard: "As I understand it, it would, Senator Rasmussen, but of course that would be their choice if they chose to be transferred over there."

Senator Rasmussen: "Well, that is my question. I think it would rather inhibit those people that would probably be very well qualified and want to go teach in the foreign branch from accepting that transfer, when they are knowing that they would lose their protection, and if this leaves them without any protection."

Senator Odegaard: "Actually I think they would wind up with more protection because the way it has been handled because of cost involved, the state has been hesitant to fly, for example, a hearing officer or someone from the HEP-Board overseas to work on the problem so they probably sometimes are left without anybody to correct the problem. So this would allow the federal government personnel

officer to work with that employee and hear the appeal and it would probably be better protection for the employee than presently."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Senator Odegaard, Senator Rasmussen, I think, has really stated the point, question of a hearing. The employee may have a grievance, have a problem. At the present time with only the HEP-Board being able to do it, he isn't able to perhaps get the protection that he should be able to get, so this way, you at least have an outside source, the federal personnel officer, to act as the hearing officer and make the determination."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 927, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Cunningham, McDermott, Peterson—3.

HOUSE BILL NO. 927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 444, by Representatives Conner, Charnley, Lux and Grier: Increasing parents' liability for property damage caused by their children to \$3,000.

The bill was read the second time by sections.

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

On page 1, line 10, after "mixed," insert "or who shall wilfully or maliciously inflict personal injury on another person,"

On page 1, line 11, after "property" insert "or to the person injured"

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Hayner yield to a question? Senator Hayner, a long time ago, I was going to school too and we used to have a habit of punching each other in the nose when we didn't like them or their actions. We probably loved them the next day, but at the moment we didn't like them. I am concerned about this. What would you call 'maliciously', if you hit the guy once in the nose or if you hit him twice? Would that be malicious?"

Senator Hayner: "Well, I think that is something that has to be determined, but certainly willful and malicious are very clear words that the court understands, and if you have a child who is going to school and punching people in the nose, I think you as a parent, owe a duty to society to try and prevent that."

Senator Rasmussen: "I was the one that usually got punched in the nose. My concern is, Senator Hayner, that by putting this in the law that many, many parents would unknowingly become involved. They don't have a particularly malicious child, but inflicts personal injury on another person. When you get through with that fight, and there are many of them on the school grounds, even today, or in the halls. In

fact, they are more prevalent, I think. But here is a parent that is doing all they can but they have no way of knowing what is going on when their child is out of their sight. But, if by putting this in the law, it leaves them subject to suit, that is the big problem, not the fact that we don't want it stopped. It is the fact that here you say in the law 'inflict personal injury.' For instance, Senator Hayner or Senator Bottiger, who are attorneys, could find it very easy to file a suit against somebody and it may not be their fault that their child, in effect, maliciously hit the person twice. That is my whole concern is it just leaves them wide open to a suit that they probably do not deserve and will cost them—you well know the cost of a suit nowadays is. Just to answer a suit costs you two or three hundred dollars to get another attorney to write a letter."

Senator Hayner: "Well, on the other hand, the youngster who has been injured, his parents certainly are going to have to bear the cost, and it seems to me that the one who has inflicted the injury certainly should be responsible, and that parent more than the one who has been standing there and has been picked on."

Senator Rasmussen: "Maybe the other person started it, but he didn't get hurt. I think that we all should take a look at how much we want to open this up to parents being sued and it is a grave question."

POINT OF INQUIRY

Senator Day: "Mr. President, would Senator Hayner yield to another question? I had five children in my troop, and they were all male boys, all four of them, and one female girl. I was delighted for that. They did do a little street fighting. In fact, I recall one instance when one of them got into a fight with a kid and it broke up and the kid's dad brought him back and took him back behind the school and said to his kid, 'O.K., now whip him.' Well, in the process he lost a tooth, the other kid. Even with the touting he was getting, he still couldn't win the fight. Now, I did pay for the tooth, but I also had a talk with the father and I just wonder now, what was my liability there in that instance if we put this amendment on. You know, I couldn't say that was a case of bullying, but it was certainly a case where the kid stood up for what he thought he had to."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I just wonder why you are all picking on Senator Hayner when it is Senator Bottiger's amendment, and he is just itching to get up and explain it."

POINT OF INQUIRY

Senator Day: "Senator Bottiger, then."

Senator Bottiger: "Senator Day, in your example, there would be the default—the defense of either self defense or, what is that old thing about—it's part of the game. There is a defense to that, and that isn't what we are talking about on malicious—read the language. It says, 'who wilfully or maliciously inflicts personal injury.' We are not talking about the fight they both engaged in of their own free will. But the thing I think we are talking about in Senator Rasmussen's example or Senator Day, you would be surprised what a letter will do.

"We are talking about little claims and lawyers are not going to run around looking for chances to file on little claims like this where there is no insurance and where the likelihood of collecting is pretty remote. But write a letter to somebody and say, 'My client brings me his son who has his two front teeth knocked out, and it is apparently the third time your kid has beat up on him, I just send you a copy of the statute that says the next time it happens you can expect a lawsuit, and you are

going to pay for the personal injury,' and see the change of attitude in that kid after his dad took him out behind the woodshed."

POINT OF INQUIRY

Senator Wilson: "Would Senator Bottiger yield? Is it your contemplation that the parents of the offending child would be responsible only for the direct medical and repair expenses, or would they also be responsible for pain, anguish, sobbing and other emotional ramifications of the incident?"

Senator Bottiger: "No, Senator Wilson, in response to your question, if you, let's say, put an eye out. If the kid came up and poked another kid in the eye or shot him with a BB gun and put an eye out, you had an emotional trauma and that child now needed psychiatric care and had an emotional damage that that would be collectible under this language of personal injury. So also would it be if they, let's say, one of the guys in the school started a rumor about one of the girls, how free and easy she was and that caused an emotional trauma and she needed psychiatric help, you could recover for that, too."

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

On line 2 of the amendment to page 1, line 10, after "wilfully" strike "or" and insert "and"

The motion by Senator Bottiger carried and the amendments, as amended, were adopted.

On motion of Senator Mardesich, the rules were suspended, House Bill No. 444, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 444, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Voting nay: Senator Bausch—1.

Excused: Senators Cunningham, McDermott, Peterson—3.

HOUSE BILL NO. 444, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, by Committee on Commerce (originally sponsored by Representatives Warnke, Polk and Knowles) (by Department of Motor Vehicles request):

Changing the requirements for real estate licenses.

The bill was read the second time by sections.

Senator Van Hollebeke moved adoption of the following amendment by Senators Van Hollebeke, Day, Walgren, Mardesich and Woody:

On page 2, line 11, after "exchange," strike "lease, or rental"

Debate ensued.

POINT OF INQUIRY

Senator Lewis: "Would Senator Wojahn yield? Senator Wojahn, in some circumstances I believe an owner of an apartment might have a person who is the maintenance manager, shall we say, for the building actually show the apartments that might be available and, in effect, be what amounts to a rental agent for that. Unless this amendment passes that would not be possible, would it?"

Senator Wojahn: "Yes, it is being done all the time, Senator Lewis."

Senator Lewis: "Is it being done legally?"

Senator Wojahn: "Legally all the time because they are not in a property management position. They have never been forced to become a real estate broker or a licensed salesman, and the fact is, I have a letter here that I requested from the department of motor vehicles that states clearly that they have never been required to do this, that they do not come under the licensing provisions of the act, and will never be required to because they are not really—they collect only in behalf of an owner, but they are not turning over substantial amounts. The owner is equally responsible and under that provision they do not have to become licensed because he is the responsible agent. They are simply the resident collector of rent, and they do not, with the permission of the Senate I will find this and read it.

"Our main concern is having a person who handles rentals or real estate covered is to insure some monitoring of the funds the agent receives. In the instance of a resident manager of apartment complexes we have not required the individual to obtain a license where he does not have the authority to expend the funds."

"You see, the difference is in a property management. They also are expending funds to maintain that business because it is usually an absentee landlord, so they are maintaining the property. They are expending funds at the same time that they are collecting the rent. In that instance—and they could even have a resident manager who would not have to be licensed.

"There has been a lot of misinformation on this, and the person who is simply collecting the rent really does not expend the funds unless he is under the direct control of the owner, and I really don't think this amendment is necessary."

Further debate ensued.

The motion by Senator Van Hollebeke failed and the amendment was not adopted on a rising vote.

Senator Van Hollebeke moved adoption of the following amendment by Senators Van Hollebeke, Buffington, Day and Lewis:

On page 9, line 22, after "RCW 18.85.010" insert "; nor, (5) any owner or manager of rental or lease property which rental or lease is intended solely for residential purposes"

POINT OF INQUIRY

Senator Day: "I would like to ask someone a question now. Senator Woody, if you want to answer this question—it says 'solely for residential purposes' now, is exempted from here. What about somebody that owns a commercial building, and I am gone and I say to my son, 'go over when that client comes and show him the place and rent it to him.'? Senator Mardesich says he has another amendment that cures the problem."

(No reply.)

The motion by Senator Van Hollebeke carried and the amendment was adopted.

Senator Mardesich moved adoption of the following amendments:

On page 9, line 14, after "account," insert "or that of a group of which he is a member"

On page 9, line 15, after "owner" insert "or part owner"

REMARKS BY SENATOR WOODY

Senator Woody: "Mr. President, I do have the answer here that is an existing code on page 9, line 16 when it talks about any duly authorized attorney in fact or attorney at law. Senator Day, your son could be designated by you as your attorney in fact, other or general or a special or an oral assignment of duties."

The motion by Senator Mardesich carried and the amendments were adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute House Bill No. 446, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 446, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Voting nay: Senators Fleming, Grant, Herr, Rasmussen—4.

Absent or not voting: Senators Henry, Matson—2.

Excused: Senators Cunningham, McDermott, Peterson—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Concurrent Resolution No. 32.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 32, by Representatives King and Berentson:

Adopting joint rules of the forty-fifth legislature.

The Senate resumed consideration of House Concurrent Resolution No. 32. On May 18, 1977, the resolution was amended by Senator Mardesich.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Mardesich, the Senate moved to reconsider the vote by which the amendment by Senator Mardesich was adopted on May 18, 1977.

The President declared the question before the Senate to be adoption of the following amendment by Senator Mardesich, on reconsideration:

On page 8, line 16, Rule 7, after "report)" and before the period insert "PROVIDED, HOWEVER, That in the event five members of a conference committee cannot agree on a request for a free conference report a majority of the committee may report that the committee cannot agree, and request the appointment of

another committee: PROVIDED FURTHER, That members of a conference committee may be discharged by a majority of the members present of their respective house"

Senator Mardesich moved adoption of the following amendment to the amendment:

On line 8 of the amendment to page 8, line 16, after "committee" strike the balance of the amendment.

POINT OF INQUIRY

Senator Grant: "Would Senator Mardesich yield? Senator Mardesich, would it be your understanding then if the amendment that you have provided striking the last proviso is adopted that the members of this body could not, by a majority vote, remove or discharge their conference committee?"

Senator Mardesich: "No, as a matter of fact, then, this body would do what it might please to do because there being no direction in the joint rules, the body would be free to do whatever they desired to do."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield? Senator Mardesich, your last PROVIDED FURTHER, 'The members of the conference committee may be discharged by a majority of the members present of their respective House?'"

Senator Mardesich: "That is all that we are striking."

Senator Rasmussen: "No, this is on the new amendment. It is your new wording."

Senator Mardesich: "The first 'PROVIDED HOWEVER' would remain, and all I am striking, then, is the 'PROVIDED FURTHER, That members of a conference committee may be discharged by a majority of the members present of their respective House'."

Senator Rasmussen: "You are striking that—"

Senator Mardesich: "That portion, right, not the balance of it."

Debate ensued.

The motion by Senator Mardesich carried and the amendment to the amendment was adopted.

The motion by Senator Mardesich carried and the amendment, as amended, on reconsideration, was adopted.

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

On page 8, amend Rule 9 as follows:

On line 33, after "resolution" and before the period insert "and such report must have the signatures of five of the six members of the committee"

On page 9, strike Rule ((9)) 10 and insert:

"FREE CONFERENCE COMMITTEE

RULE ((9)) 10. ((In case of failure of the conferees to agree on matters directly at issue between the two houses, a report of the items of such disagreement including new proposed items within the scope and object of the title of the bill in conference shall be made and)) Upon request for free conference the power of free conference may be granted ((to)) by the two houses ((either)) to the ((same)) committee, or the committee may be discharged and a new committee appointed with the power of ((free)) conference, as defined in Joint Rule 7 ((to whom only items of disagreement or new items approved by one house in the disputed bill or resolution may be committed ((, and)). The report of the committee of free conference ((may report by new bill or resolution, or otherwise, and bills or resolution so reported))

shall be acted upon in the same manner as provided for reports of conference committees (~~(: PROVIDED, That the house and senate shall have thirty-six hours from the time of receipt in the house originating the conference request to consider reports from a free conference committee and shall not vote thereon until the thirty-six hour period shall have elapsed except that with respect to budget and appropriations and revenue and tax measures, the required interval shall be twenty-four hours. PROVIDED FURTHER, That irrespective of any rule herein or any rule of either the senate or the house of representatives, the foregoing provisions relating to thirty six and twenty-four hour intervals will not be suspended unless the legislature shall otherwise direct by a two-thirds vote of all of the members elected to each house. Simultaneously with receipt of the report a copy of said report shall be placed upon the desk of each member of the legislature)). The report of a free conference committee must have the signatures of five of the six members of the committee: PROVIDED, HOWEVER, That in the event five members of a free conference committee cannot agree on the bill or measure referred to the committee, a majority of the committee may report that the committee cannot agree, and request the appointment of another committee."~~

POINT OF INQUIRY

Senator Grant: "Would Senator Clarke yield to a question? Senator Clarke, I don't see that the explanation you gave for the rules change as proposed here is really an explanation for the change. Your first proposed change would indicate that reports must have five signatures of the six members of the committee."

Senator Clarke: "That is the present situation."

Senator Grant: "So if that is the present situation, why is it necessary to have that language?"

Then on page 9 where you strike the old rule 9 and insert a new rule 10 on free conference committee, it would appear that you are striking a lot of language with regard to how long the committee report should be on the desks of the members. Is that what is occurring here? I just can't see what the object is of the amendment."

Senator Clarke: "It is my understanding that the time provision is not in effect abrogated, but is still contained in another portion of the rules, and the reason for the readjustment of the paragraph numbers is to, in effect, you have got to a certain extent mixed up the question of conference and free conference because on things, for instance, such as the budget when you appoint a conference committee you know they are going into free conference. So, then you have to, in effect, provide first for the conference committee and then the free conference committee."

Senator Grant: "Senator Clarke, then would it be fair to say that their are no substantive changes proposed but it is just a rearrangement and clarification of the responsibilities of the free conference committee and the conference committee by your amendment?"

Senator Clarke: "In substance, I think that is correct because what I am trying to take care of is the inconsistency of the proposition that if the body does not like a report of a free conference committee, it discharges that committee and appoints a new free conference committee. That, of course, you don't do. What you would do is appoint a new conference committee, and that committee would go out and then attempt to have another free conference report. They would come back and request the power of free conference, at which time the body would then have the opportunity of either accepting or rejecting the free conference. It is not the intent to change in any way the time elements or things of that nature."

Debate ensued.

There being no objection, on motion of Senator Mardesich, the amendment to the last line of the Clarke amendment to Rule 10, on the desk of the Secretary of the Senate, was withdrawn.

The motion by Senator Clarke carried and the amendments were adopted.
 On motion of Senator Mardesich, the following amendments were adopted:
 On page 10, line 12, after "~~deletions~~)" strike ";" and insert "((;), and"
 On page 11, beginning on line 3, amend Rule 12 as follows: Strike "The report shall be read in full in each house before a vote is taken on the report."

MOTION

Senator Walgren moved the rules be suspended, House Concurrent Resolution No. 32, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the resolution be placed on final passage.

MOTION

Senator Washington moved the motion by Senator Walgren to advance House Concurrent Resolution No. 32, as amended by the Senate, to third reading and further consideration of the resolution be held to May 20, 1977.

POINT OF INQUIRY

Senator Walgren: "Would Senator Washington yield? Senator Washington is it your proposal that you prepare an amendment to correct this error, or do you want to check to see whether there is an error so you can propose an amendment, and that is why you want to have this done?"

Senator Washington: "Yes, that is right."

Further debate ensued.

The motion by Senator Washington carried. House Concurrent Resolution No. 32, as amended by the Senate, together with the motion by Senator Walgren to advance the bill to third reading, was ordered held for further consideration May 20, 1977.

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

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House refuses to recede from its amendment to SUBSTITUTE SENATE BILL NO. 3109, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Shipnuch, Thompson and Blair.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute Senate Bill No. 3109 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3109 and the House amendments thereto: Senators Donohue, Scott and Odegard.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

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

RECONSIDERATION OF SUBSTITUTE HOUSE BILL NO. 697

On May 18, 1977, having voted on the prevailing side, Senator Walgren moved the Senate reconsider the vote by which Substitute House Bill No. 697, as amended by the Senate, passed the Senate. The motion for reconsideration was ordered held for May 19, 1977.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Clarke, the Senate moved to reconsider the vote by which Substitute House Bill No. 697, as amended by the Senate, passed the Senate on May 18, 1977.

MOTION

On motion of Senator Gould, the rules were suspended and Substitute House Bill No. 697, as amended by the Senate, was returned to second reading.

MOTION

On motion of Senator Walgren, Substitute House Bill No. 697, as amended by the Senate, was ordered held on the second reading calendar, on reconsideration, for May 20, 1977.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Fleming, the Senate moved to reconsider the vote by which Substitute House Bill No. 292, as amended by the Senate, passed the Senate.

MOTION

On motion of Senator Fleming, the rules were suspended, and Substitute House Bill No. 292, as amended by the Senate, was returned to second reading.

MOTION

On motion of Senator Walgren, Substitute House Bill No. 292, as amended by the Senate, was ordered held on the second reading calendar, on reconsideration, for May 20, 1977.

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

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2156, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

May 18, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2156, permitting certain corporations of health care professionals to act as self-insurers against liability, have had the same under consideration, and we report that we are unable to agree. We recommend that the House amendment to page 1, line 16, be not adopted and respectfully request the powers of free conference, in order to amend the bill as follows:

On page 1, line 16, after "code." strike the balance of the section and insert "An association or other entity composed of five hundred or more health care professionals licensed pursuant to chapters 18.71 or 18.88 RCW, or an association or other entity composed of at least one-third of the health care professionals licensed pursuant to any of the following chapters: 18.22, 18.25, 19.32, or 18.57 RCW, and, if composed of more than five hundred members, meeting capital and surplus requirements set forth in RCW 48.05.340(1), or, if composed of less than five hundred members, meeting one-third of the capital and surplus requirements set forth in RCW 48.05.340(1), after a written determination by the insurance commissioner that insurance for claims brought under chapter 7.70 RCW is either unavailable or cost-prohibitive from a licensed insurance carrier, may join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against claims brought under chapter 7.70 RCW through a contributing trust fund and shall not be deemed an "insurer" under this code: PROVIDED, That each health professional mutual corporation shall submit a financial and operational report annually to the legislative budget committee and the insurance commissioner."

Signed by: Senators Day and Woody; Representatives Douthwaite, Haley and Grier.

MOTION

On motion of Senator Day, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House has receded from its amendments to page 3, line 10; and page 1, line 1 of the title to SENATE BILL NO. 2196, and has passed the bill without the amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

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

REPORT OF STANDING COMMITTEE

May 19, 1977.

SUBSTITUTE HOUSE BILL NO. 684, allowing pharmacists to obtain non-practicing licenses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Gould, Monohon, Van Hollebeke, Wojahn.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 2104,
SENATE BILL NO. 2196.

MOTION

At 3:30 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, May 20, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 20, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Cunningham, Francis, McDermott and Peterson. On motion of Senator Jones, Senator Cunningham was excused. On motion of Senator Odegaard, Senators Francis, McDermott and Peterson were excused.

The Color Guard, consisting of Pages LeAnn Mulvenon and Kenneth Hill, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD AND FATHER, WHO HAS UNLIMITED RESOURCES, BLESS THE LEGISLATORS, WHO HAVEN'T ENCOURAGED THEM IN THEIR SEARCH FOR FUNDS. GIVE THEM UNANIMITY AND THOROUGHNESS AS THEY FRISK US CONSTITUENTS, WHO WANT A GOOD SHOW BUT WOULD RATHER NOT PAY FOR IT. AND, WHEN THE LAST POCKET IS TURNED OUT AND THE LAST HOARDED COIN BROUGHT TO LIGHT, GRANT THAT THE BUDGET WILL BE FUNDED, AND ALL OF US CONSTITUENTS WILL HAVE HAD A 'BASIC EDUCATION' IN LIVING WITHIN OUR MEANS. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

May 19, 1977.

Mr. President: The House has passed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 522,
 HOUSE BILL NO. 1176,
 HOUSE BILL NO. 1210, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

May 19, 1977.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2014,
 SUBSTITUTE SENATE BILL NO. 2154,
 SUBSTITUTE SENATE BILL NO. 2169,
 SENATE BILL NO. 2437,
 SENATE BILL NO. 3009, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

May 19, 1977.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2055,
 SUBSTITUTE SENATE BILL NO. 2129,
 SENATE BILL NO. 2570,

SENATE BILL NO. 3017, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 19, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2069,

SENATE BILL NO. 2166,

SENATE BILL NO. 2286, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 19, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTED HOUSE BILL NO. 327, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 19, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 376, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 19, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 691, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 19, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTED HOUSE BILL NO. 314, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 522, by Committee on Revenue (originally sponsored by Representatives Sommers and Erickson):

Phasing out tax credits and exemptions for pollution control facilities.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1176, by Representatives Valle, Pruitt, Erickson, Winsley, Haley, Barnes and Hawkins:

Exempting mental health, alcohol, and drug treatment services by nonprofit organizations from the business and occupation tax.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1210, by Representative Whiteside:

Permitting certain teachers to pick up prior service in the teachers' retirement system under certain conditions.

Referred to Committee on Ways and Means.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 165.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 165, by Committee on Local Government (originally sponsored by Representatives Valle, Zimmerman and Thompson):

Enacting the "Public Water System Coordination Act of 1977".

REPORT OF STANDING COMMITTEE

April 21, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 165, enacting the "Public Water System Coordination Act of 1977" (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike lines 10 through 17.

On page 1, line 28, after ";" strike "and"

On page 1, line 30, after "systems" strike "." and insert "; and

(4) To assist public water systems to meet reasonable standards of quality, quantity and pressure."

On page 2, line 18, after ";" and before "other" strike "or" and insert "and"

On page 4, line 16, after "developed" strike "." and insert ": PROVIDED, That non-municipally owned public water systems are exempt from the planning requirements of this act, except for the establishment of service area boundaries if they: (a) were in existence as of the effective date of this act; and (b) have no plans for water service beyond their existing service area, and (c) meet minimum quality and pressure design criteria established by the State Board of Health: PROVIDED FURTHER, That if the county legislative authority permits a change in development that will increase the demand for water service of such a system beyond the existing system's ability to provide minimum water service, the purveyor shall develop a water system plan in accordance with this section."

On page 4, line 25, after "of" and before "facilities" insert "public water system"

On page 5, line 5, after "programs," and before "developmental" strike "and" and insert "and/or"

On page 5, line 29, after "the" and before "find" strike "reviewing agencies" and insert "legislative authorities"

On page 6, line 1, after "the" and before "within" strike "reviewing agencies" and insert "legislative authorities"

On page 6, line 25, after "of" and before "critical" strike "a" and insert "the"

Signed by: Senators McDermott, North, Sellar, Talley.

The bill was read the second time by sections.

Senator Sellar moved adoption of the committee amendment to page 1, striking lines 10 through 17.

Debate ensued.

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

On motion of Senator Sellar, the committee amendments to page 1, lines 28 and 30; page 2, line 18; page 4, line 16 and line 25; and page 5, line 5; were adopted.

POINT OF INQUIRY

Senator Guess: "Would Senator Sellar yield to a question? Senator Sellar, it says that they are to review, 'are reviewed by local appropriate governmental agencies to ensure that the plan is not consistent with the land use plan—'"

Senator Sellar: "Inconsistent."

Senator Guess: "What I want to know is, why a water district would be—what has it got to do with land use plans and the shoreline master programs?"

Senator Sellar: "Senator, it doesn't say that it should be consistent. It says it is going to be not inconsistent with the shoreline. It is saying that basically that there should be some review made, that they are not violating that shoreline plan."

Senator Guess: "Thank you."

On motion of Senator Sellar, the committee amendments to page 5, line 29; page 6, line 1 and line 25 were adopted.

POINT OF INQUIRY

Senator Guess: "Would Senator Sellar yield? Senator Sellar, before we get too far into the bill, I would like to ask you, on page 1, line 23 'that the purposes of the chapter are, sub (1), to provide for the establishment of critical water supply service areas related to water utility planning and development.' What is the function or is the department itself going to establish these water service districts or water service areas?"

Senator Sellar: "No, they are not. The department would come into an area and say, 'We think we have a problem of water supply in this area.' There then would be a board set up of county legislative people. The county commissioners, basically then, would go out and either agree or disagree, and they would say, 'Yes, we have a problem.' Then they would set the boundaries of that critical water area. Then the providers of water in that area would then get together and meet, and they would further divide that area inside those boundaries and say, the water district is responsible for this or the taxing district or the city or the county or whatever. This would become a critical water supply area, but this is done by local legislative facility, not by the department of social and health services."

Senator Guess: "The thing that I wanted to make sure that the legislative intent was established that we do not intend for the department to go around establishing their own water supply areas."

Senator Sellar: "They would make a recommendation, but the area itself would be designated by local authorities."

Senator Guess: "Thank you, Senator."

Senator Day moved adoption of the following amendment:

On page 2, line 28, after "treatment" insert "for purifying purposes only"

POINT OF INQUIRY

Senator Talley: "Would Senator Day yield? Are you against adding—what is it that keeps your teeth good—is that what you are aiming at?"

Senator Day: "Well, that, or any other substance that might be used in the treatment of water other than for the purposes of purifying it."

POINT OF INQUIRY

Senator North: "Will Senator Day yield to a question? Senator Day, is the intent and purpose of this amendment to prohibit any fluoridation in a water system?"

Senator Day: "The intent, in this is under the purposes of this act and without any other authority to prohibit, not only fluoridation, but anything else that they might decide to put in water for purposes of treatment."

Senator North: "Are you indicating that in order to fluoridate a water system, it would have to be submitted to a vote of the people?"

Senator Day: "Well, I would certainly hope that it would, but that isn't inherent in this amendment. I think that is already in the statutes somewhere, but this

doesn't mandate anything except that when they talk about treatment in this definitions section, we are talking about the purification of water, not the adding of all kinds of things to it."

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

On motion of Senator Sellar, the rules were suspended, Engrossed Substitute House Bill No. 165, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Sellar yield to a question? Senator Sellar, this spells out critical water areas, and are there any provisions in the bill that would restrict population growth or land use because of being designated a critical area?"

Senator Sellar: I am not denying that that could happen, however the critical water area would have to—the local authorities would have to say, 'Yes, we do have a critical water problem in this area', and then the local authorities would have to designate this area. There is a mechanism for hearings, for public input into the area, and at that time they might say there is not sufficient safe drinking water available in this area for future development. That is a possibility, but that is only after a great deal of hearing and discussion among local authorities. It would not give, for instance, the department of social and health services the authority to come in and say, 'We are going to stop building up here because you haven't got enough water.'"

Senator Rasmussen: "As I understand then, the designation will be by the local authorities, and any necessary action would require local action by either the county commissioners or the city council and so forth."

Senator Sellar: "That is correct. I would not anticipate a great number of these areas being designated in the state."

Senator Rasmussen: "We do have them, quite a few of them. Thank you, Senator."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 165, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Fleming, Gaspard, Goltz, Gould, Grant, Henry, Herr, Keefe, Marsh, Monohon, Murray, Newschwander, North, Ridder, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—28.

Voting nay: Senators Benitz, Day, Donohue, Guess, Hayner, Jones, Lewis, Mardesich, Matson, Morrison, Odegaard, Pullen, Rasmussen, Scott, Van Hollebeke, Wilson, Woody—17.

Excused: Senators Cunningham, Francis, McDermott, Peterson—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 165, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 318, by Committee on Judiciary (originally sponsored by Representatives Hansen, Fortson, Fancher, Gaines, Kilbury, Boldt, Charnley, Amen and Knedlik):

Permitting owners of property subject to condemnation proceedings to give the property to governmental unit involved.

The bill was read the second time by sections.

Senator Woody moved adoption of the following amendment:

On page 1, line 12, after "agency" strike "may" and insert "shall"

Debate ensued.

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

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Guess:

On page 3, after line 13, insert new sections as follows:

"NEW SECTION. Sec. 2. Private property shall not be taken for public, quasi-public, or private use without proof of the necessity of taking and just compensation having first been made, or paid to a court for the private land owner: **PROVIDED**, That this section and section 3 of this 1977 amendatory act shall not be construed to alter or amend the doctrine and statutes relating to "open range" except as such statutes may be modified by chapter 16.24 RCW.

NEW SECTION. Sec. 3. Just compensation shall be paid in accordance with the laws and Constitution of this state to the appropriate private land owners whenever the use and enjoyment of private property is modified or eliminated by the operation of the doctrine of public trust: **PROVIDED**, That the provisions of this section shall be inapplicable to the acquisition of prescriptive rights and easements, the right of access necessitating ways of necessity when no access otherwise exists, the rights established by adverse possession pursuant to court precedents and in accordance with the applicable statutes of the state of Washington, the right of the public to establish by law, resolution, or ordinance of the legislature and of subordinate political subdivisions of the state, zoning and similar regulations, and the right of the public to declare in accordance with the established court precedents and the statutes of the state, nuisances relative to the use of property under particular circumstances and in particular locations. For the purpose of this section and section 2 of this 1977 amendatory act amortization shall not be considered to be just compensation."

POINT OF ORDER

Senator Bottiger: "Mr. President, I hate to do this. The bill has passed. It is over in the House now, and we are cluttering up another little bill that is trying to save a few dollars and making it controversial. Therefore, I must raise the point of scope and object."

MOTION

On motion of Senator Marsh, Substitute House Bill No. 318, as amended, together with the pending amendment by Senators Rasmussen and Guess and the Point of Order raised by Senator Bottiger, was ordered held as a special order of business immediately following the noon recess.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute Senate Bill No. 2877.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2877, by Committee on Constitution and Elections) (originally sponsored by Senators Goltz, Bailey, Sellar and Newschwander) (by Joint Board of Legislative Ethics request):

Revising laws on ethics and disclosure:

The Senate resumed consideration of Substitute Senate Bill No. 2877. On May 18, 1977, the bill was amended by Senator Goltz. On that day, the following amendment by Senators Rasmussen, Clarke and Lewis was moved for adoption and a point of order was raised by Senator Grant:

On page 7, after line 26, insert the following new section:

"NEW SECTION. Sec. 7. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to be codified as RCW 42.17.242 to read as follows:

Every elected official and every chief executive state officer who is subject to the provisions of RCW 42.17.240, who holds or whose immediate family member holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more in any corporation, partnership, joint venture, or other business entity, shall be exempt from complying with the provisions of RCW 42.17.240(1)(g)(ii), if such official or chief executive state officer requests from the commission such exemption and proves that the furnishing of such information might substantially and adversely affect the competitive position of such corporation, partnership, joint venture, or other business entity.

Any elected official or chief executive officer granted an exemption under this section shall include in the written statement required by RCW 42.17.240 the names of those governmental units and business or commercial entities from which the business entity of such official or officer (or of the immediate family member of such official or officer) has received during the preceding year two thousand five hundred dollars or more as a result of any contract between those governmental units or business or commercial entities and the governmental entity of such official or officer. The official or officer to whom such exemption has been granted shall also be disqualified from participating in any negotiations for or the making of any contract between such governmental units or business or commercial entities and the governmental entity of such official or officer."

Renumber the remaining section.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Grant, the President finds that Substitute Senate Bill 2877 is a measure which applies to all elected and appointed public officials and alters the present public disclosure reporting requirements with which these officials must comply. The measure contains several specific references to the contents of financial disclosure reports required to be filed under the public disclosure law.

"The amendment proposed by Senator Rasmussen also governs the circumstances under which public officials must report certain financial data under the public disclosure law.

"The President therefore finds that the proposed amendment does not expand the scope and object of the measure and that the point of order is not well taken."

The amendment was ruled in order.

Debate ensued.

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

On the fifth line from the bottom of the amendment, strike "agency" and insert "governmental entity" and on the last line of the amendment after "and" strike the remainder of the sentence and insert "the governmental entity of such official or officer."

Further debate ensued.

Senator Grant demanded a roll call and the demand was sustained by Senators Rasmussen, Washington, von Reichbauer, Ridder, Sellar, Wilson, Goltz, Monohon and Gaspard.

The President declared the question before the Senate to be the roll call on the amendment by Senators Rasmussen, Clarke and Lewis, as amended.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 25; nays, 19; absent or not voting, 1; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Newschwander, Pullen, Rasmussen, Scott, Sellar, Van Hollebeke, Wanamaker, Woody—25.

Voting nay: Senators Bausch, Beck, Fleming, Gaspard, Goltz, Gould, Grant, Herr, Monohon, North, Odegaard, Ridder, Sandison, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—19.

Absent or not voting: Senator Murray—1.

Excused: Senators Cunningham, Francis, McDermott, Peterson—4.

MOTION

On motion of Senator Jones, Senator Murray was excused.

Senator Mardesich moved adoption of the following amendment:

On page 4, line 30, insert a new section 3:

"**NEW SECTION.** Sec. 3. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

No employer, public or private, or officer, director, manager, or official of any company, union, or association of any kind, or any other person acting on behalf of such individual or organization, shall solicit or collect contributions as defined in RCW 42.17.020(10) from any employee or member for purposes of contributing to political candidates or political committees."

Re-number remaining sections consecutively.

POINT OF ORDER

Senator Grant: "Mr. President, I would raise the point of order that the amendment by Senator Mardesich expands the scope and object of the bill.

"Mr. President and members of the Senate, the bill originally dealt, I think, with the disposition of surplus campaign funds, and the amendment adopted by Senator Rasmussen, although I felt that expanded the scope, at least dealt with the reporting requirements of the public disclosure commission, reporting requirements to the public disclosure commission.

"The amendment by Senator Mardesich now goes even beyond that considerably by limiting those people who may contribute to campaigns, and it goes so far, I think, as to probably prohibit any kind of solicitation for campaign contributions. It is so broadly drafted and so imperfectly drafted, I might add, that about the only contributions that one might be able to receive would be those that came voluntarily without any solicitation or a candidate's own funds."

"I think it is far beyond the scope and object of this measure and one that should not be permitted for consideration at this time."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, this is in fact a measure dealing with campaign contributions in many areas in the bill. It speaks to the disposition of those contributions, reporting as to contributions and what my amendment does is simply clarify further the collection, disposal and reporting with respect to campaign contributions.

"I would also disagree with Senator Grant as to the poor drafting in the amendment."

MOTION

At 11:20 a.m., on motion of Senator Marsh, the Senate recessed until 12:18 p.m.

NOON SESSION

The President called the Senate to order at 12:18 p.m.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2877, by Committee on Constitution and Elections (originally sponsored by Senators Goltz, Bailey, Sellar and Newschwander) (by Joint Board of Legislative Ethics request):

Revising laws on ethics and disclosure.

The Senate resumed consideration of Substitute Senate Bill No. 2877 from earlier today and the following amendment by Senator Mardesich moved for adoption and the Point of Order raised by Senator Grant:

On page 4, line 30, insert a new section 3:

"NEW SECTION. Sec. 3. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

No employer, public or private, or officer, director, manager, or official of any company, union, or association of any kind, or any other person acting on behalf of such individual or organization shall solicit or collect contributions as defined in RCW 42.17.020(10) from any employee or member for purposes of contributing to political candidates or political committees."

Renumber remaining sections consecutively.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Grant, the President finds that Substitute Senate Bill 2877 is a measure which applies to elected and appointed public officials and alters the present public disclosure reporting requirements with which these officials must comply.

"The amendment proposed by Senator Mardesich does not deal with the reporting requirements of the public disclosure law, but rather with the solicitation of campaign contributions for political candidates.

"The President, therefore, finds that the proposed amendment expands the scope and object of the bill and that the point of order raised by Senator Grant is well taken."

The amendment by Senator Mardesich was ruled out of order.

Senator Mardesich moved adoption of the following amendment:

On page 4, line 30 insert a new section 3.

"NEW SECTION. Sec. 3. Every political committee or candidate shall, upon receipt of contributions as defined in RCW 42.17.020(10) which would appear to have been contributed by an employer, manager or official of any company, union, or association of any kind; or any other person acting on behalf of such individual or organization shall request of such individual or organization an affidavit that such individual or organization has not solicited or collected contributions from any employee or member for the purpose of contributing to political candidates or political committees.

Copies of affidavits shall be provided to the Public Disclosure Commission at the same time as reports as to the contributions are required or a statement that

such affidavit has been requested from the donor and that the contribution will not be expended until an affidavit has been provided. If an affidavit has not been provided as requested within 20 days of receipt of the contribution, the contribution shall then be returned to the donor."

Debate ensued.

POINT OF ORDER

Senator Grant: "Mr. President, I would raise the point of order that this amendment also expands the scope and object of the measure. It would appear that the amendment now offered by Senator Mardesich requires an affidavit of a political committee and it also requires affidavits of contributors to the effect that the contributions have not been solicited for political purposes. It is not too dissimilar from the previous amendment which, in fact, prohibits contributions by any association of any kind or manager or official or employer or anyone else. It is a different way, albeit a very clever one, and not as imperfect as the previous amendment. It is a different way of prohibiting the contributions and I think for the same reasons as the President offered before, this amendment should also be ruled beyond the scope and object of this measure."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, the amendment very specifically relates to the main subject of the bill. The main subject of the bill is the question of reporting those contributions, reporting with respect to contributions and the disposition thereof.

"This is an amendment which requires report as to contributions, and it seems to me that if you were to take the position that this were not within the scope and object, then it would be literally impossible to change the type of reports which would be required of a candidate with respect to contributions."

There being no objection, on motion of Senator Grant, the Point of Order was withdrawn.

Further debate ensued.

MOTION

At 12:33 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SPECIAL ORDER OF BUSINESS

SECOND READING

SUBSTITUTE HOUSE BILL NO. 318, by Committee on Judiciary (originally sponsored by Representatives Hansen, Fortson, Fancher, Gaines, Kilbury, Boldt, Charnley, Amen and Knedlik):

Permitting owners of property subject to condemnation proceedings to give the property to governmental unit involved.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 318. Earlier today, the following amendment by Senators Rasmussen and Guess had been moved for adoption. Senator Bottiger raised a Point of Order on the amendment:

On page 3, after line 13, insert new sections as follows:

"NEW SECTION. Sec. 2. Private property shall not be taken for public, quasi-public, or private use without proof of the necessity of taking and just compensation having first been made, or paid to a court for the private land owner: PROVIDED, That this section and section 3 of this 1977 amendatory act shall not be construed to alter or amend the doctrine and statutes relating to "open range" except as such statutes may be modified by chapter 16.24 RCW.

NEW SECTION. Sec. 3. Just compensation shall be paid in accordance with the laws and Constitution of this state to the appropriate private land owners whenever the use and enjoyment of private property is modified or eliminated by the operation of the doctrine of public trust: PROVIDED, That the provisions of this section shall be inapplicable to the acquisition of prescriptive rights and easements, the right of access necessitating ways of necessity when no access otherwise exists, the rights established by adverse possession pursuant to court precedents and in accordance with the applicable statutes of the state of Washington, the right of the public to establish by law, resolution, or ordinance of the legislature and of subordinate political subdivisions of the state, zoning and similar regulations, and the right of the public to declare in accordance with the established court precedents and the statutes of the state, nuisances relative to the use of property under particular circumstances and in particular locations. For the purpose of this section and section 2 of this 1977 amendatory act amortization shall not be considered to be just compensation."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order as presented by Senator Bottiger, the President finds that Substitute House Bill No. 318 relates to the acquisition of private property by all state agencies and local public bodies.

"The amendment proposed by Senator Rasmussen also deals with the circumstances under which private property can be acquired for public use.

"Therefore, the proposed amendment does not expand the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Rasmussen and Guess was ruled in order.

Debate ensued.

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

On motion of Senator Donohue, the following amendment by Senators Rasmussen, Donohue, Matson and Woody was adopted:

On page 3, after line 13, insert new sections as follows:

"NEW SECTION. Sec. 4. There is added to Title 58 RCW a new section to read as follows:

The owner of any real property in the state of Washington may transfer by deed not less than one nor more than five acres of such property to a parent, spouse, or child for the exclusive purpose of permitting said parent, spouse, or child to construct thereon one single family residence and necessary out buildings thereto. The deed shall contain a restrictive covenant running with the property reflecting the provisions of this section. Any conveyance of real property meeting the conditions imposed by this section shall be exempt from the provisions of this title.

Sec. 5. Section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land (~~(, unless the governing authority of the city, town, or county in which the land is situated shall have~~

adopted a subdivision ordinance requiring plat approval of such divisions)): PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

((5)) (4) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land and a local government has approved a binding site plan for the use of the land in accordance with local regulations. The term "site plan" means a drawing to a scale specified by local ordinance and which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; and (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan. A site plan approved by a local government body shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under a local ordinance."

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

In the title, strike everything after "AN ACT" and insert "Relating to real property; amending section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.180; amending section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040; creating new sections; and adding a new section to Title 58 RCW."

MOTION

On motion of Senator Goltz, Substitute House Bill No. 318, as amended by the Senate, was ordered to hold its place on the second reading calendar for May 23, 1977.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2877, by Committee on Constitution and Elections (originally sponsored by Senators Goltz, Bailey, Sellar and Newschwander) (by Joint Board of Legislative Ethics request):

Revising laws on ethics and disclosure.

The Senate resumed consideration of Substitute Senate Bill No. 2877 from earlier today. The bill had been amended and the following amendment by Senator Mardesich had been moved for adoption:

On page 4, line 30 insert a new section 3:

"NEW SECTION. Sec. 3. Every political committee or candidate shall, upon receipt of contributions as defined in RCW 42.17.020(10) which would appear to have been contributed by an employer, manager or official of any company, union, or association of any kind, or any other person acting on behalf of such individual or organization shall request of such individual or organization an affidavit that such individual or organization has not solicited or collected contributions from any employee or member for the purpose of contributing to political candidates or political committees."

Copies of affidavits shall be provided to the Public Disclosure Commission at the same time as reports as to the contributions are required or a statement that such affidavit has been requested from the donor and that the contribution will not

be expended until an affidavit has been provided. If an affidavit has not been provided as requested within 20 days of receipt of the contribution, the contribution shall then be returned to the donor."

POINT OF INQUIRY

Senator Walgren: "Will Senator Mardesich yield to a question? Senator Mardesich, as I read this proposed amendment, what you are trying to do, of course, is to provide for individual campaign contributions, just persons, not entities or agencies and so on. I think you and I and perhaps others on the floor here have had occasion to receive campaign contributions from individuals, individuals whose names really are unknown to us, and they have come in a single envelope forwarded with a single letter signed by an officer or representative of a single corporation.

"Would this amendment that you propose here prohibit that?"

Senator Mardesich: "Yes, I believe it would. There is a staff individual who is collecting the funds, is working on the behalf of a corporation or organization, then he falls directly under this law. If he is working as an individual, then he is free to go out and collect money and raise money for me. Raise money for me he is allowed to do as an individual if he is not doing it in the employment of an association, a corporation or as an employer."

Debate ensued.

On motion of Senator Marsh, the following amendments to the amendment by Senator Mardesich were adopted:

On line 8 of the first paragraph of the Mardesich amendment to page 4, line 30, strike "an affidavit" and insert "a statement"

On line 1 of the second paragraph strike "affidavits" and insert "statements"

On line 4 of the second paragraph strike "affidavit" and insert "statement"

On line 6 of the second paragraph strike "an affidavit" and insert "a statement"

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Grant yield to a question? Senator Grant, as I read this proposed amendment, it would seem to me to be in line with what my conversations with Common Cause, and I am sure you have had many conversations with people in a common cause, that this is a step in the direction that Common Cause is desiring to go in that it would be a voluntary contribution financed by the public, such as you put the statement on your federal income tax that you may take one dollar of this and use it for political purposes, and we could also provide that that be refunded. A dollar or so will come back to the state for political purposes. This would make all contributions voluntary, and that is the way we do it under our federal income tax, is that not true? You don't have to contribute, but if you do desire to elect the president by public financing why you make that check on your income tax form."

Senator Grant: "Senator Rasmussen, I am sure that this hasn't been considered by Common Cause or anybody else that has been concerned with public financing. It has nothing to do with public financing."

Senator Rasmussen: "No, I said this was one small—"

Senator Grant: "It has nothing to do with checking off a box in your income tax return. All this amendment does—"

Senator Rasmussen: "You are trying to put me in a box, now and this is a serious question—"

Senator Grant: "No, I wouldn't do that, Senator Rasmussen."

Senator Rasmussen: "—in relation to Common Cause, and I am sure Jolene realizes the importance of it even if you don't, that we should go to public financing."

Senator Grant: "I think we all realize the importance of it, Senator."

Senator Rasmussen: "Thank you, Senator Grant."

Senator Grant: "Thank you, Senator Rasmussen. I will respond now."

Senator Rasmussen: "Mr. President, he doesn't have the floor as yet. He has answered the question as far as I wanted to go."

Senator Grant: "He asked me a question, I would like to respond to it."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Rasmussen has the floor, Senator Grant. The President will recognize you when Senator Rasmussen has concluded his remarks."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Grant: "Mr. President, we did hold a meeting on this subject and I am sincere about public financing and about limitations, Senator Mardesich. There was a move by one of our members in the committee to indefinitely postpone your bill. I asked that that motion not be put so that you would have an opportunity to present your changes in the current financing methods of campaigns. I think you are impugning my motives, and I really resent that."

The motion by Senator Mardesich failed and the amendment, as amended, was not adopted on a rising vote.

There being no objection, on motion of Senator Mardesich, the amendment adding NEW SECTION 4. on the desk of the Secretary of the Senate, was withdrawn.

MOTIONS

On motion of Senator Marsh, Senator Bottiger was excused.

On motion of Senator Jones, Senators Benitz and Hayner were excused.

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Goltz: "As I understand it, with the adoption of the Rasmussen amendment which by our rules can be adopted by a majority vote, we now have added to a bill really a change in referendum 36, which I believe, under the time requirements of that referendum require more than a majority vote of this body and my inquiry is, what will the vote be necessary to pass this bill as amended?"

REPLY BY THE PRESIDENT

President Cherberg: "Under amendment 26 to the state Constitution, two-thirds majority of the members elected is required to pass Substitute Senate Bill 2877."

On motion of Senator Grant, the rules were suspended, Engrossed Substitute Senate Bill No. 2877 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2877, and the bill passed the Senate by the following vote: Yeas, 34; nays, 7; excused, 8.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Marsh,

Matson, Monohon, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wojahn, Woody—34.

Voting nay: Senators Fleming, Grant, Lewis, Mardesich, von Reichbauer, Washington, Wilson—7.

Excused: Senators Benitz, Bottiger, Cunningham, Francis, Hayner, McDermott, Murray, Peterson—8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2877, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Concurrent Resolution No. 32.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 32, by Representatives King and Berentson:

Adopting joint rules for the Forty-fifth legislature.

The Senate resumed consideration of House Concurrent Resolution No. 32. The bill was amended on May 18, 1977 and May 19, 1977.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Clarke, the Senate moved to reconsider the vote by which the amendment by Senator Clarke to page 9, striking Rule ~~((9))~~ 10 was adopted.

There being no objection, on motion of Senator Clarke, the amendment was withdrawn.

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

On page 9, strike Rule ~~((9))~~ 10 and insert:

"FREE CONFERENCE COMMITTEE

RULE ((9)) 10. ~~((In case of failure of the conferees to agree on matters directly at issue between the two houses, a report of the items of such disagreement including new proposed items within the scope and object of the title of the bill in conference shall be made and))~~ Upon request for free conference the power of free conference may be granted ~~((to))~~ by the two houses ~~((either))~~ to the same committee, ~~((or the committee may be discharged and a new committee appointed with the power of free conference;))~~ to whom only ~~((items of disagreement or new items approved by one house in the disputed bill or resolution))~~ the proposed free conference report may be committed, or the committee may be discharged and a new committee appointed with the power of conference, as defined in Joint Rule 7 ((; and)). The report of the committee of free conference ((may report by new bill or resolution, or otherwise, and bills or resolutions so reported)) shall be acted upon in the same manner as provided for reports of conference committees ~~((: PROVIDED; That the house and senate shall have thirty-six hours from the time of receipt in the house originating the conference request to consider reports from a free conference committee and shall not vote thereon until the thirty-six hour period shall have elapsed except that with respect to budget and appropriations and revenue and tax measures, the required interval shall be twenty-four hours: PROVIDED FURTHER, That irrespective of any rule herein or any rule of either the senate or the house of representatives, the foregoing provisions relating to thirty-six and twenty-four hour intervals will not be suspended unless the legislature shall otherwise direct~~

~~by a two-thirds vote of all of the members elected to each house. Simultaneously with receipt of the report a copy of said report shall be placed upon the desk of each member of the legislature)). The report of a free conference committee must have the signatures of five of the six members of the committee."~~

Senator Day moved adoption of the following amendment:

On page 17, line 19, strike "undertaken" and insert "~~((undertaken))~~ initiated by resolution"

POINT OF INQUIRY

Senator Washington: "Senator Day, would you yield to a question? Does this mean that a standing committee cannot move into any field of endeavor, investigation or legislation unless it has been authorized by resolution?"

Senator Day: "No, it means that with reference to studies and investigations to be undertaken each standing committee—that has been referred a special study or investigation by the rules committee—now this is what we have been doing. Let me go over it again so I can straighten out what I am saying here.

"You do have a lot of subjects before you. Under the old rules you were entitled to study any of them. The way this amendment read before my amendment, there would be a conflict here because the statement in this section in this paragraph beginning on line 18 says that they may only study such subjects, areas and problems assigned by the rules committee.

"Now, my intent is to straighten the language out so it does not conflict with the section on the preceding page which gives you the authority to study that which is before you and then make this particular paragraph apply to those resolutions which pass on the floor and are referred to rules. You will recall the practice has been now that we refer those special studies to rules and then they are assigned to committees.

"The insertion of my language 'initiated by resolution' then would say that they can only study those initiated by resolution as they are assigned by the rules committee. I believe that that more conforms with the practice and that does do away with the conflict that would be—if we did not adopt this amendment there is a direct conflict between this section and what we have been authorized to do as committees and committee chairmen on the preceding page."

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Mr. President, is it the intent then of these rules as amended that during the interim the chairmen of the various standing committees will have substantially unlimited authority to proceed in any type of inquiry that they so desire?"

Senator Walgren: "To answer Senator Clarke's question, certainly the chairmen will be able to designate studies and activities of the committee subject, of course, to the question of finances that will be determined by the facilities and operations committee. Any particular hearings that they may desire to have, either here in Olympia or outside of this city, would have to be approved by facilities and operations but the general subject matter within the confines of the committee can be determined by the chairman."

Senator Clarke: "This would mean then that subject only to financial restrictions as determined by the facilities committee that a standing committee could at the discretion of the chairman hold meetings at any time at any place within the state for the purpose of considering any particular subject that would fall within the general scope of his committee?"

Senator Walgren: "(Off microphone 'Yes'.)"

Further debate ensued.

Senator Rasmussen moved adoption of the following amendment to the amendment by Senator Day:

On the last line of the Day amendment, after "resolution" add "and adopted by the respective houses"

Debate ensued.

The motion by Senator Rasmussen carried and the amendment to the amendment was adopted.

Further debate ensued.

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

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

On page 8, line 20, Rule 8, after "represent" insert "as far as possible"

On page 8, line 21, Rule 8, after "minority" insert "and those in favor and those opposed"

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Mardesich: "I am inclined to agree with you, but the President has often taken the position that it refers, I believe, Mr. President you may correct me if I am wrong. . . . I believe the President has in the past interpreted that to mean 'the majority party' and 'minority party.'"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Mardesich."

Further debate ensued.

MOTION

On motion of Senator Clarke, House Concurrent Resolution No. 32, as amended by the Senate, was ordered to hold its place on the second reading calendar for May 23, 1977.

FURTHER REPLY BY THE PRESIDENT

President Cherberg: "The President should like to have the privilege of amplifying his reply to Senator Mardesich. The President believes that the minority and majority refers both to the party and to the opinions as to the differences between the two Houses, and that the final vote on a bill would not necessarily mean that the Senator's vote indicated his feeling as pertaining to the differences.

"The President would like to further remark, and may be presumptuous in doing so, by saying that the President believes that the Senators are on the right track and that perhaps this matter could be clarified so everyone will understand it."

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

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2189, with the following amendments:

On page 1, after line 4 strike everything after the enacting clause and insert the following:

"Section 1. Section 3, chapter 106, Laws of 1963 as last amended by section 137, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.85.030 are each amended to read as follows:

(1) The reciprocity commission, hereby created, shall consist of the director of motor vehicles, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the legislative transportation committee, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed reimbursement for travel expenses incurred in the performance of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements or declarations to carry out the provisions of this chapter.

(2) The reciprocity commission may enter into a multistate proportional registration agreement which prescribes a different definition of any terms defined in chapter 46.85 RCW. The agreement definition shall control unless appropriate exception is taken thereto.

If the reciprocity commission enters into a multistate proportional registration agreement which prescribes a different procedure for vehicle identification, the agreement procedures shall control.

If the reciprocity commission enters into a multistate proportional registration agreement which requires this state to perform acts in a quasi agency relationship, the reciprocity commission may collect and forward applicable registration fees and applications to other jurisdictions on behalf of the applicant or on behalf of another jurisdiction and may take such other action as will facilitate the administration of such agreement.

If the reciprocity commission enters into a multistate proportional registration agreement which prescribes procedures applicable to vehicles not specifically described in chapter 46.85 RCW, such as but not limited to "owner-operator" or "rental" vehicles, it shall promulgate rules accomplishing the procedures prescribed in such agreement.

If the reciprocity commission enters into a multistate proportional registration agreement which prohibits the collection of minimum fees provided for in this chapter or elsewhere for the ownership or operation of motor vehicles, the prohibitions contained in the agreement shall control.

It is the purpose and intent of this subsection to facilitate the membership in the International Registration Plan and at the same time allow the reciprocity commission to continue to participate in such agreements and compacts as may be necessary and desirable in addition to the International Registration Plan: PROVIDED, That prior to the reciprocity commission entering into the International Registration Plan, the commission, with the assistance of the department of motor vehicles, shall conduct a fiscal impact study and report the findings of the study to the legislative transportation committee by October 15, 1977."

On page 1, beginning on line 1 of the title after "vehicles;" strike the remainder of the title and insert "and amending section 3, chapter 106, Laws of 1963 as last amended by section 137, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.85.030.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Guess, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2189.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2189, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, North, Odgaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebecke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Absent or not voting: Senator Woody—1.

Excused: Senators Benitz, Bottiger, Cunningham, Francis, Hayner, McDermott, Murray, Peterson—8.

ENGROSSED SENATE BILL NO. 2189, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Hawkins, Nelson (Dick) and Amen.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute Senate Bill No. 2032, and the House amendments thereto, was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 2032, and the House amendments thereto: Senators Grant, North and Beck.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House refuses to recede from its amendment to ENGROSSED SENATE BILL NO. 2421, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Owen, Eng and Lee.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Senate Bill No. 2421, and the House amendments thereto, was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2421, and the House amendments thereto: Senators Goltz, Sellar and Van Hollebeke.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2668, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Smith, Ehlers and Tilly.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Senate Bill No. 2668 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2668, and the House amendments thereto: Senators Marsh, Hayner and Van Hollebeke.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

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

REPORTS OF STANDING COMMITTEE

May 19, 1977.

SENATE BILL NO. 3015, providing for a liquified natural gas hazards management study (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Energy and Utilities.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

May 19, 1977.

SENATE BILL NO. 3097, relating to vocational education (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3097 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

May 19, 1977.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449, establishing a state women's commission (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended along with the amendments by Committee on State Government.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Woody.

Passed to Committee on Rules for second reading.

May 19, 1977.

HOUSE BILL NO. 1264, making changes in the laws relating to the refunding of bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

May 19, 1977.

SUBSTITUTE HOUSE BILL NO. 1265, refunding certain limited obligation revenue bonds of the various institutions of higher education with state general obligation bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

MOTION

At 3:00 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, May 23, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 23, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Cunningham, Donohue, Fleming, Francis, Grant, Mardesich, McDermott, Peterson, Scott, Rasmussen, Talley, Wojahn and Woody. On motion of Senator Jones, Senator Marsh, Senators Fleming, McDermott, Wojahn and Woody were excused. On motion of Senator Jones, Senators Cunningham was excused. On motion of Senator Henry, Senator Mardesich was excused. On motion of Senator Odegaard, Senators Francis, Grant, Peterson and Rasmussen were excused.

The Color Guard, consisting of Pages Catherine Brunton and Brad Schmidt, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"O GREAT GOD, OUT OF WHOSE WISDOM THE WORLD TOOK FORM AND WHO GIVES US TO CREATION, WE PRAY THAT IN THE DELIBERATIONS BEFORE US WE MAY DISCOVER SOME NEW UNDERSTANDING OF OUR PLACE IN THE MYSTERY OF LIFE, THAT WE MIGHT, WITH INSIGHT AND COURAGE, ACT NOBLY IN THE FACE OF DEMANDING CHALLENGES AND THAT WE CAN GIVE THE FRUITS OF OUR LABORS TO YOU AND TO THE FUTURE OF OUR PEOPLE AS AN ACCEPTABLE OFFERING OF OUR TIME SPENT TOGETHER. IN HOPE AND HUMILITY, WE PRAY. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

May 19, 1977.

HOUSE BILL NO. 115, exempting timber harvested by nonprofit organizations from timber taxes where proceeds support youth programs (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Fleming, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Walgren, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2081,

ENGROSSED SENATE BILL NO. 2200,

ENGROSSED SENATE BILL NO. 2288,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2399,

ENGROSSED SENATE BILL NO. 2400,
 ENGROSSED SENATE BILL NO. 2408,
 SUBSTITUTE SENATE BILL NO. 2489,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2565,
 SUBSTITUTE SENATE BILL NO. 2591,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2619,
 SENATE BILL NO. 2831,
 ENGROSSED SENATE BILL NO. 2868,
 ENGROSSED SENATE BILL NO. 3004,
 ENGROSSED SENATE BILL NO. 3058, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

May 23, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 267,
 HOUSE BILL NO. 298,
 SUBSTITUTE HOUSE BILL NO. 314,
 SUBSTITUTE HOUSE BILL NO. 327,
 HOUSE BILL NO. 376,
 SUBSTITUTE HOUSE BILL NO. 675,
 HOUSE BILL NO. 683,
 HOUSE BILL NO. 691,
 HOUSE BILL NO. 927, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 20, 1977.

Mr. President: The Speaker has signed:
 SECOND SUBSTITUTE SENATE BILL NO. 2104,
 SENATE BILL NO. 2196, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2081,
 SENATE BILL NO. 2189,
 SENATE BILL NO. 2200,
 SENATE BILL NO. 2288,
 SUBSTITUTE SENATE BILL NO. 2399,
 SENATE BILL NO. 2400,
 SENATE BILL NO. 2408,
 SUBSTITUTE SENATE BILL NO. 2489,
 SUBSTITUTE SENATE BILL NO. 2565,
 SUBSTITUTE SENATE BILL NO. 2591,
 SUBSTITUTE SENATE BILL NO. 2619,
 SENATE BILL NO. 2831,
 SENATE BILL NO. 2868,
 SENATE BILL NO. 3004,
 SENATE BILL NO. 3058.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 267,

HOUSE BILL NO. 298,
 SUBSTITUTE HOUSE BILL NO. 314,
 HOUSE BILL NO. 376,
 SUBSTITUTE HOUSE BILL NO. 675,
 HOUSE BILL NO. 683,
 HOUSE BILL NO. 691,
 HOUSE BILL NO. 927.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 503.

SECOND READING

HOUSE BILL NO. 503, by Representatives Sommers and Knedlik (by Department of Revenue request):

Providing for the collection of use taxes on aircraft by the department of motor vehicles.

March 3, 1977.

REPORT OF STANDING COMMITTEE

March 3, 1977.

HOUSE BILL NO. 503, providing for the collection of use taxes on aircraft by the Department of Motor Vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 17, add a section as follows:

"Sec. 2. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28 RCW: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12 RCW;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16 RCW, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36 RCW: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12 RCW;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12 RCW;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning,

altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state or for use at an airport owned by a public port district of an adjoining state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: **PROVIDED**, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (a) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (b) upon an oral prescription of such practitioner which is reduced promptly to

writing and filed by a duly licensed pharmacist, or (c) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (d) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

(30) Sales of insulin, prosthetic devices, and medically prescribed oxygen."

On line 1 of the title after "taxes;" and before "providing" insert "amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.08.030;"

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Talley, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Henry, the committee amendment to the title was adopted.

On motion of Senator Henry, the rules were suspended, House Bill No. 503, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 503, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 4; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—35.

Absent or not voting: Senators Bluechel, Donohue, Scott, Talley—4.

Excused: Senators Cunningham, Fleming, Francis, Grant, Mardesich, McDermott, Peterson, Rasmussen, Wojahn, Woody—10.

HOUSE BILL NO. 503, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 662, by Committee on Higher Education (originally sponsored by Representatives Erickson, Grimm, Chandler, Knowles, Oliver, Owen, Grier, Salatino, Bender, Gilleland, Haley, Fuller, Taller, Bond, Hawkins, Bauer, Charette, Enbody, Tilly, Sanders, Clayton, Winsley, Paris and Monohon):

Regulating the granting of remunerated professional leaves.

REPORT OF STANDING COMMITTEE

April 26, 1977.

SUBSTITUTE HOUSE BILL NO. 662, regulating the granting of remunerated professional leaves (reported by Committee on Higher Education):

Recommendation: Do pass with the following amendments:

Beginning on line 8 strike all of section 1 and insert the following:

"Section 1. Section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650 are each amended to read as follows:

It is the intent of the legislature that when the state universities, state colleges, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities ((and)), the boards of trustees of the state colleges and the board of trustees of each community college district may grant ((sabbatical and other)) remunerated professional leaves to faculty members and exempt staff, as defined in RCW 28B.16.040, in accordance with regulations adopted by the respective governing boards ((and with such remunerations as the respective boards may prescribe)) for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) hereof.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of program planning and fiscal management, who are engaged in instruction, and exempt staff as defined in RCW 28B.16.040.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after the effective date of this 1977 amendatory act shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall annually report to the council for postsecondary education such information as the council deems necessary to determine compliance with the provisions of this section and the council for postsecondary education shall periodically report such information to the legislature."

In line 6 of the title before "and making" insert "providing penalties;"

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

The bill was read the second time by sections.

Senator Odegaard moved adoption of the committee amendment.

On motion of Senator Odegaard, the following amendment by Senators Odegaard, Sandison, Benitz, Guess, Goltz, Donohue and Scott to the committee amendment was adopted:

On page 2, line 18 of the amendment, after "leaves" insert "": PROVIDED, That this subsection shall not apply to any community college district with fewer than seventy-five full-time faculty members and granting fewer than three individuals such leaves in any given year""

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

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

MOTIONS

On motion of Senator Jones, Senator Bluechel was excused.

On motion of Senator Odegaard, Senator Donohue was excused.

On motion of Senator Odegaard, the rules were suspended, Substitute House Bill No. 662, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 662, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 1; excused, 11.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—37.

Absent or not voting: Senator Talley—1.

Excused: Senators Bluechel, Cunningham, Donohue, Fleming, Francis, Grant, McDermott, Peterson, Rasmussen, Wojahn, Woody—11.

SUBSTITUTE HOUSE BILL NO. 662, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Guess, House Bill No. 779 was ordered held on the second reading calendar for May 24, 1977.

On motion of Senator Sandison, Senator Talley was excused.

SECOND READING

HOUSE BILL NO. 797, by Representatives Charette, Vrooman, Knowles, Smith and Enbody:

Giving jurisdiction to the court of the county wherein an habitual traffic offender is arrested for subsequently driving without a license.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, House Bill No. 797 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 797, and the bill passed the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—38.

Excused: Senators Bluechel, Cunningham, Donohue, Fleming, Francis, McDermott, Peterson, Rasmussen, Talley, Wojahn, Woody—11.

HOUSE BILL NO. 797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 821.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 821, by Committee on Local Government (originally sponsored by Representatives Fortson, Adams, Pearsall, Pruitt, Lux, Thompson, Kreidler, Burns, Gruger and Salatino):

Requiring crosswalk curb ramps for handicapped persons.

The bill was read the second time by sections.

On motion of Senator Wilson, Engrossed Substitute House Bill No. 821 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Wilson yield? Senator Wilson, I was trying to do a quick reading here on this, and I notice that there is an emergency clause on this, and I am just wondering if that is practical to have it be mandatory immediately with contracts out and so forth?"

Senator Wilson: "Senator Van Hollebeke, I don't know offhand of any particular reason why an emergency clause is needed other than because sidewalks and curbs are continually being rebuilt and inclusion of this clause would mean a few more will be built to accommodate people in wheelchairs."

POINT OF INQUIRY

Senator Buffington: "I just wanted to know if Senator Wilson would yield to a question, please? Senator Wilson, on page 2, on line 7, you will notice it says that the general administration shall consult with handicapped persons and blind persons. Is that going to be through their associations or is that going to be through two or more individuals who fall under that category?"

Senator Wilson: "I can't answer that specifically, however there has been a group of people concerned with the problems of people in wheelchairs who have been most active in developing the original legislation and this amendatory legislation. I assume the department will consult with that group who essentially represent the handicapped victims, but also will be consulting with elements of local government who are going to be faced with the cost of building ramps when they rebuild their curbs."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 821, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Excused: Senators Cunningham, Donohue, Fleming, Francis, Peterson, Wojahn, Woody—7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, just so that our Chief Clerk wouldn't get accused of anything, in our books there is a line 21 and 22 which do not appear in the original bill."

President Cherberg: "Thank you, Senator Mardesich."

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 874, by Committee on Institutions (originally sponsored by Representatives Salatino, Becker, Hanna, Hurley (George), Barr and Struthers):

Modifying the conditions for receiving state funds for probation services.

REPORT OF STANDING COMMITTEE

May 9, 1977.

SECOND SUBSTITUTE HOUSE BILL NO. 874, modifying the conditions for receiving state funds for probation services (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 1, chapter 198, Laws of 1973 1st ex. sess. and RCW 13.06.050 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application is approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of social and health services. The base commitment rate shall be determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average

of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the secretary: **PROVIDED**, That, a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the office of program planning and fiscal management, such population figures to be provided to the secretary of social and health services not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1). The annual commitment rate shall exclude commitments that fall within the high risk categories as defined by the department.

(3) The amount that may be paid to a county pursuant to this chapter shall be the ~~((actual))~~ standard cost of the operation of a special supervision program ~~((or four thousand dollars multiplied by the "commitment reduction number", whichever is the lesser))~~ based upon workload standards established by the department. Payment shall not exceed five thousand dollars per commitment reduction. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The secretary ~~((of social and health services))~~ will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary of the department of social and health services, the secretary may pay to the county a sum not to exceed actual program expenditures, provided, however, that in subsequent periods the county will be paid only the amount earned: **PROVIDED**, That the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to May 20, 1971.

(6) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (3) above, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

(7) Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

(8) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full time additional probation officer and related employee benefits~~((:));~~ or

(c) elect to receive from the state the salary and related employee benefits of one full time additional probation officer and in addition, reimbursement for certain supporting services other than capital outlay and equipment whose total will not exceed a maximum limit established by the secretary of the department of social and health services; or

(d) elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment whose total cost will not exceed a maximum limit established by the secretary of the department of social and health services.

(9) In the event a county chooses one of the alternative proposals in subsection (8), it will be eligible for reimbursement only so long as the officer and supporting services are wholly used in the performance of probation services to supervision of persons eligible for state commitment and are paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by two its own base commitment rate.

(10) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the secretary may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit.

NEW SECTION. Sec. 2. By January 1, 1978, the department of social and health services shall provide to the standing committees on ways and means and on social and health services of the state senate and to the standing committees on appropriations and on institutions of the house of representatives a report on the juvenile probation services in the state. Such report shall include, but not be limited to:

(1) A disposition of all juvenile probation officers by county;

(2) The number of juvenile probation officers provided with juvenile probation subsidy funds by county;

(3) A description of the full range of services provided under the juvenile probation subsidy program by county;

(4) The cost per child served by the program by county;

(5) An evaluation of the program by county; and

(6) An analysis of the application and impact of the "banking" provision.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977."

In the title, strike everything after "juveniles;" and insert "providing probation and other services; amending section 5, chapter 165, Laws of 1969 ex. sess. as last amended by section 1, chapter 198, Laws of 1973 1st ex. sess. and RCW 13.06.050; creating a new section; declaring an emergency; and providing an effective date."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Mardesich, Morrison, Murray, Rasmussen, Ridder, Scott, Woody.

The bill was read the second time by sections.

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

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

On motion of Senator Odegaard, the rules were suspended, Second Substitute House Bill No. 874, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 874, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Voting nay: Senator Pullen—1.

Excused: Senators Cunningham, Donohue, Fleming, Francis, Peterson, Wojahn, Woody—7.

SECOND SUBSTITUTE HOUSE BILL NO. 874, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 623.

SECOND READING

HOUSE BILL NO. 623, by Representatives Bauer and Zimmerman:

Exempting capital expenditures of nonprofit water associations from gross income for public utility tax purposes.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Newschwander:

On page 2, after line 34, insert the following additional sections:

NEW SECTION. Sec. 2. The legislature finds and declares that the existing drought conditions and shortage of hydroelectric power have caused severe economic impact on electric utilities and their customers in obtaining sufficient quantities of electric power and energy from other sources, which has or will necessitate the imposition of purchased power surcharge or cost adjustments in addition to the existing rate schedules of such utilities. Because of the drought conditions and shortage of hydroelectric power, which has caused severe economic impact on electric utilities and their customers in obtaining sufficient quantities of electric power and energy from other sources, the legislature further finds that such cost adjustments or surcharge arising out of the increased cost of purchasing necessary power to meet the needs of the electrical utilities and their customers, should not be taxed by the state or any local subdivision thereof.

NEW SECTION. Sec. 3. Notwithstanding any other provision of law, if an economic condition exists as provided in section 2 of this 1977 amendatory act which does necessitate the imposition of purchased power surcharge or cost adjustments in addition to the existing rate schedules charged such utilities, neither the state or any local subdivision thereof shall impose a tax or fee thereon.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 82.16 RCW a new section to read as follows:

In addition to the deductions provided for in RCW 82.16.050 as now or hereafter amended, in computing tax there may be deducted from gross income by persons in the light and power business, the following item: Amounts derived from the sale of electrical energy other than for resale equal to the cost of electrical energy purchased from others, but excluding electrical energy generated by the United

States, which for any reporting period under RCW 82.16.070 exceeds the average of the total cost of such purchased electrical energy for the same period in the prior two years, but not to exceed the amount of total additional charge to customers, or other authorized temporary increase in total charge for electrical energy to customers, on account of such purchased electrical energy.

NEW SECTION. Sec. 5. Sections 2 through 4 of this 1977 amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 6. The provisions of sections 2 through 4 of this 1977 amendatory act shall expire on July 1, 1978, and thereafter shall be null and void and of no further force and effect whatsoever."

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order of scope and object. The bill pertains to the capital expenditures and non-profit water associations. Senator Rasmussen seeks to include Seattle, Tacoma public utility districts on their electrical charges. It is obviously substantially above capital expenditure of water districts."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that House Bill 623 is a measure which amends a provision in the public utility tax law governing the calculation of tax liability of all public service businesses.

"The proposed amendment also relates to the taxation of public utilities and allows deductions from amounts taxable as does House Bill 623.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators Rasmussen and Newschwander was ruled in order.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, would you yield? Senator Bottiger, it appears to me that this is a windfall profit for the city of Tacoma. Is that right?"

Senator Bottiger: "Senator Guess, since the city of Tacoma is paying a drought incurred expense, I wouldn't call it a windfall profit. There is some excess money in their estimates but that is only based on a nebulous question of how much conservation will occur."

Senator Guess: "The problem that bothers me about the bill is that we face the same situation in Eastern Washington. The oil that we are having to buy to generate the electricity from the plant that was in mothballs in Montana is costing approximately twice as much as the power was being sold for at retail. Now, since we don't have a city owned utilities distributing that fuel, that electricity, the people of Eastern Washington that are on private power won't pay this tax, and yet those in the Tacoma and the PUD's will pay a tax. Is this right?"

Senator Bottiger: "Senator Guess, when the committee finished the hearings on this bill, we were informed that some of the private utilities would also be applying to the utilities and transportation committee for emergency rate increases for these power questions, but my whole point to you, sir, and to the Senate is, if you ask me how many dollars are involved, I have no idea how many, what will be the loss to the state in revenue. What will be the gain to the state in revenue, we can only guess.

"What will be the state's extra power bill, because we are a large consumer of electricity ourselves, I again have no idea."

Senator Guess: "Senator Bottiger, we in Eastern Washington will pay just what the surcharge is, not a city tax. Is this—"

Senator Bottiger: "Well, sir, you have, as I understand it, the city of Spokane charges the private utility a tax for the easement rights, the rights to run power lines down the street, and that that tax goes into your Spokane city coffers. Your Spokane city council can pass an emergency resolution reducing that revenue if they so desire."

Senator Guess: "Based on the amount of power they run down those lines."

Senator Bottiger: "My understanding is, it is. It is a gross business tax—it is a gross business tax against the utility in return for a license fee to use the city right-of-way."

Senator Guess: "Thank you, Senator Bottiger."

POINT OF INQUIRY

Senator Guess: "Will Senator Rasmussen yield? Senator Rasmussen, is the burden of the tax going to fall equally on the citizens of Spokane as on the citizens of Tacoma, actually you would stop the tax from being levied?"

Senator Rasmussen: "Yes. The three point six which is the state utility tax—"

Senator Guess: "And that would be forgiven by the bill?"

Senator Rasmussen: "Not forgiven, no. Only not assessed on the additional cost of this power, this additional generation that they have to buy because of the drought."

Senator Guess: "And what would be the local tax?"

Senator Rasmussen: "The local taxes vary city by city. In the particular city of Tacoma, I think it is eight percent, and in the city of Seattle, I think it is eight percent also. This would merely say that on that excess power and the cost of that that they will not be assessing the tax. It amounts to about eleven point six."

Senator Guess: "Thank you."

Further debate ensued.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Rasmussen and Newschwander:

On page 1, line 25 of the amendment, after "thereof" insert "and such increased costs should be apportioned at an equal cost per KWH to every customer"

MOTION

On motion of Senator Mardesich, House Bill No. 623, together with the pending amendment by Senators Rasmussen and Newschwander and the amendment by Senator Mardesich to the amendment, was made a special order of business immediately following the noon recess.

MOTION

At 12:03 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Marsh, the Senate returned to the second order of business.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2310, with the following amendments:

On page 1, beginning on line 11, strike all material down to and including "designee." on line 22, and insert:

"(1) There is hereby created a (~~committee to be known as the~~) state committee on salaries (:) to consist of seven members, or their designees, as follows: The president of the University of Puget Sound (~~or his nominee~~); the president of Washington State University (~~or his nominee~~); the (~~chairman~~) chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association (:) and the president of the Washington State Labor Council (~~or his nominee~~). If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee."

On page 2, line 1, after "and" insert "of", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2310.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2310, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 5; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—38.

Absent or not voting: Senators Buffington, Donohue, Hayner, Odegaard, Scott—5.

Excused: Senators Cunningham, Fleming, Francis, Peterson, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2310, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 17, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2241, with the following amendment:

Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. There is added to chapter 70.54 RCW a new section to read as follows:

It is the intent of the legislature that passage of this act shall not constitute any endorsement whatever of the efficacy of amygdalin (Laetrile) in the treatment of cancer, but represents only the legislature's endorsement of a patient's freedom of choice, so long as the patient has been given sufficient information in writing to make an informed decision regarding his/her treatment and the substance is not proven to be directly detrimental to health.

NEW SECTION. Sec. 2. There is added to chapter 70.54 RCW a new section to read as follows:

No hospital or health facility may interfere with the physician/patient relationship by restricting or forbidding the use of amygdalin (Laetrile) when prescribed or administered by a physician licensed pursuant to chapter 18.57 or 18.71 RCW and requested by a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

For the purposes of this act, the state board of pharmacy shall provide for the certification as to the identity of amygdalin (Laetrile) by random sample testing or other testing procedures, and shall promulgate rules and regulations necessary to implement and enforce its authority under this section.

NEW SECTION. Sec. 3. There is added to chapter 70.54 RCW a new section to read as follows:

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering amygdalin (Laetrile) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct as defined in RCW 18.57-.170 and 18.72.030.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2241.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2241, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 3; absent or not voting, 3; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Gaspard, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—37.

Voting nay: Senators Goltz, Gould, Sellar—3.

Absent or not voting: Senators Donohue, Matson, Odegaard—3.

Excused: Senators Cunningham, Fleming, Francis, Peterson, Wojahn, Woody—6.

ENGROSSED SENATE BILL NO. 2241, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2356, with the following amendment:

On page 5, line 4, after "any or all" strike all material down to and including "Woodland" on line 13 and insert "cities and towns", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Grant, the Senate concurred in the House amendment to Substitute Senate Bill No. 2356.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2356, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Excused: Senators Cunningham, Fleming, Francis, Peterson, Wojahn, Woody—6.

SUBSTITUTE SENATE BILL NO. 2356, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2485, with the following amendments:

On page 1, beginning on line 17, strike all of subsection (a) down through line 24, and insert a new subsection to read as follows:

"(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;"

On page 2, line 12, after "commission" strike "may" and insert "shall"

On page 2, line 27, after "service" insert "which shall include public transportation", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Guess, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2485.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2485, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Cunningham, Francis, Peterson, Wojahn, Woody—5.

ENGROSSED SENATE BILL NO. 2485, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2244, with the following amendments:

On page 1, after line 10, insert an additional section as follows:

"Section 1. Section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new(;) or used vehicles, or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers: PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof.

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of the department of motor vehicles.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both."

Remember the sections following consecutively, and correct internal references accordingly.

On page 2, line 32, after "advertising" insert ", or for which the dealer will be providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers,"

On page 12, after line 36, add the following new section:

"**NEW SECTION.** Sec. 5. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "vehicles;" insert "amending section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.011;"

In line 8 of the title, after "crimes;" strike "and"

In line 9 of the title, after "penalties" insert "; and declaring an emergency", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Marsh moved the Senate do concur in the House amendments to Substitute Senate Bill No. 2244.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Marsh yield to a question? Senator Marsh, I gather what you were saying was that if these people rented space—I brought my car, and they charged me ten dollars. They maybe rented it to a hundred people and each one of us paid ten dollars for the day of service on the lot. That is all they would be required—be registered for that purpose and they pay a B and O tax, either city or state, whatever was required."

Senator Marsh: "That is correct, Senator Rasmussen."

Senator Rasmussen: "And they still can operate and the public is generally free to bring their cars in there. They won't be paying the tax for being in business."

Senator Marsh: "That is correct, Senator Rasmussen. It will not affect third parties bringing their cars to these markets. They won't pay any additional tax. It is just the rentor of the space that will be paying the tax and having to get the dealer's license."

Senator Rasmussen: "Thank you, Senator Marsh."

Further debate ensued.

POINT OF INQUIRY

Senator Bausch: "Would Senator Marsh yield? Senator, it is a little confusing when you speak about the flea markets concerning automobiles. In the interests of antiques where swap meets have the situation where they have only motors, only fenders, only this and that and parts of automobiles, what is an automobile? Is that total, complete and running or would this prohibit those swap meets under the present program from operating the way they do?"

Senator Marsh: "The way I read this particular bill, Senator Bausch, swap meets are not covered because that is an occasional sort of thing. It is not a regular business. This only protects and affects those businesses that do it on a regular basis and provide space and rent space on a regular basis."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Clarke: "Thank you, Mr. President. Matter of personal privilege. I heard my name used rather repetitiously around here, and if I have the reputation on the floor of this Senate for doing some of the things that were suggested I might do, I certainly have been wasting my time."

Further debate ensued.

The motion by Senator Marsh carried on a rising vote and the Senate concurred in the House amendments to Substitute Senate Bill No. 2244.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2244, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Guess, Henry, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, North, Odegaard, Rasmussen, Ridder, Sandison, Scott, Talley, Walgren, Wanamaker, Washington, Wilson—30.

Voting nay: Senators Benitz, Bluechel, Clarke, Gould, Hayner, Herr, Jones, Lewis, Murray, Newschwander, Pullen, Sellar, Van Hollebeke, von Reichbauer, Woody—15.

Excused: Senators Cunningham, Francis, Peterson, Wojahn—4.

SUBSTITUTE SENATE BILL NO. 2244, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, all bills passed by the Senate today were ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed SENATE BILL NO. 2747, with the following amendment:

On page 2, line 13, after "and" strike "libraries serving for free" and insert "public libraries serving", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Senate Bill No. 2747.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2747, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Mardesich—1.

Absent or not voting: Senator Fleming—1.

Excused: Senators Cunningham, Francis, Peterson, Wojahn—4.

SENATE BILL NO. 2747, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2638, with the following amendments:

On page 2, line 7, strike "state" and insert "stated"

On page 2, line 8, after "secretary of" insert "the department of"

On page 2, at line 8, strike "approval" and insert "advice"

On page 2, line 9, after "services" insert a comma

On page 2, line 13, after "secretary of" insert "the department of"

On page 2, line 13, strike section 5

Re-number remaining sections consecutively

On page 2, line 18, strike "5" and insert "4"

On page 2, line 18, strike "1" and insert "2", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Day moved the Senate do concur in the House amendments to Substitute Senate Bill No. 2638.

POINT OF INQUIRY

Senator Guess: "Mr. President, I would like to ask Senator Day a question. Senator Day, when it says 'with the advice of the secretary of the—' It did say 'with the consent—with the approval of the secretary', and now it says 'with the advice'. Do you feel that that makes a substantial amount of difference in the—"

Senator Day: "No. They did change secretary to the department as well, but I think that 'with the advice', 'with the consent' gives the secretary more control maybe than they thought he ought to have. 'With the advice' it means that the department will certify alternatives and that is the advice that we were looking for was the certification of viable alternatives to septic tanks when they fail, and I think that the way the language is, it is all right."

Senator Guess: "Thank you."

The motion by Senator Day carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 2638.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2638, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—39.

Voting nay: Senators McDermott, Odegaard, Pullen, Ridder, Wilson—5.

Absent or not voting: Senator Buffington—1.

Excused: Senators Cunningham, Francis, Peterson, Wojahn—4.

SUBSTITUTE SENATE BILL NO. 2638, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed SENATE BILL NO. 2444, with the following amendment:

On page 5, line 7, strike "place" and insert "~~((place))~~ county", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Goltz, the Senate concurred in the House amendment to Senate Bill No. 2444.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2444, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senator Buffington—1.

Excused: Senators Cunningham, Francis, Peterson, Wojahn—4.

SENATE BILL NO. 2444, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2143, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King thirty-four judges of the superior court; in the county of Spokane (~~((eight))~~ nine) judges of the superior court; in the county of Pierce (~~((ten))~~ eleven) judges of the superior court.

Sec. 2. Section 4, chapter 125, Laws of 1951 as last amended by section 1, chapter 79, Laws of 1975-'76 2nd ex. sess. and RCW 2.08.062 are each amended to read as follows:

There shall be in the county of Chelan one judge of the superior court; in the county of Clark four judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap (~~((three))~~ four) judges of the

superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 192, Laws of 1974 ex. sess. and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, ~~((three))~~ four judges of the superior court; in the counties of Clallam and Jefferson jointly, two judges of the superior court; in the county of Snohomish seven judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 4. Section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.065 are each amended to read as follows:

There shall be in the counties of Douglas and Grant jointly, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, four judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Island jointly, ~~((one))~~ two judges of the superior court ~~((: PROVIDED, That this act shall only take effect in the event the legislature shall appropriate funds for the 1973-75 biennium to carry out the purpose of this 1973 act))~~.

NEW SECTION. Sec. 5. There is appropriated from the general fund the sum of \$446,000 or such as may be necessary for the biennium ending June 30, 1979.

NEW SECTION. Sec. 6. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977."

In line 3 of the title, after "2.08.061, insert ";establishing an appropriation"

In line 8 of the title, after "2.08.064;" strike "and"

In line 10 of the title, after "2.08.065" insert "; declaring an emergency; and providing an effective date", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk:

MOTION

On motion of Senator Bottiger, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 2143, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2924, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to Title 47 RCW a new section to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a state-wide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can

be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency.

NEW SECTION. Sec. 2. There is added to Title 47 RCW a new section to read as follows:

As used in this title unless the context indicates otherwise:

(1) "Department" means the department of transportation created in section 3 of this 1977 amendatory act;

(2) "Commission" means the transportation commission created in section 5 of this 1977 amendatory act;

(3) "Secretary" means the secretary of transportation as provided for in section 4 of this 1977 amendatory act.

NEW SECTION. Sec. 3. There is added to Title 47 RCW a new section to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency, are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly directed elsewhere in this or in any other act of the 1977 legislature.

(3) The urban arterial board and the board of pilotage commissioners are transferred to the jurisdiction of the department for their staff support and administration: PROVIDED, That nothing in this section shall be construed as transferring any policy making powers of the urban arterial board or the board of pilotage commissioners to the transportation commission or the department of transportation.

NEW SECTION. Sec. 4. There is added to Title 47 RCW a new section to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission responsible only to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final.

NEW SECTION. Sec. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county. Commissioners shall not be removed from office by the governor before the expiration of their terms unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms.

NEW SECTION. Sec. 6. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission.

Each member of the commission shall receive compensation of sixty dollars per day for each day actually spent in the performance of duties, and actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

NEW SECTION. Sec. 7. There is added to chapter 13, Laws of 1961 and to chapter 47.01 RCW a new section to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the legislature;

(e) To integrate the state-wide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced state-wide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the next legislative session. The plan shall be reviewed and revised at the next regular session of the legislature and biennially thereafter. A preliminary plan shall be submitted to such committees by January 1, 1979.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(4) To approve and propose to the governor and to the legislature prior to the convening of each regular session a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;

(5) To review and authorize all departmental requests for legislation;

(6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(7) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(8) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

NEW SECTION. Sec. 8. There is added to Title 47 RCW a new section to read as follows:

(1) Initially the department shall be organized into divisions, including the division of highways, the division of public transportation, the division of aeronautics, the division of marine transportation, and the division of transportation planning and budget.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The secretary may also appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

(3) The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 9. There is added to Title 47 RCW a new section to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of this 1977 amendatory act, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 10. There is added to Title 47 RCW a new section to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules which are subject to the adoption procedures contained in the state administrative procedure act except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

NEW SECTION. Sec. 11. There is added to Title 47 RCW a new section to read as follows:

(1) All employees and personnel of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and personnel in the planning and community affairs agency whose primary duties relate to transportation, shall, on July 1, 1977, be transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with bargaining agreements and the laws and rules governing the state merit system: **PROVIDED**, That the executive secretary appointed by the urban arterial board shall not be transferred to the department and shall remain subject to the control of the urban arterial board.

(2) Any officer or employee of any of the agencies mentioned hereinabove who holds an exempt position with such agency and who previously held permanent status in a classified position shall on or after July 1, 1977, have a right of reversion to the highest class of position previously held, and may continue employment in the department of transportation at such class of position subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 12. The lawfully adopted rules and regulations of the Washington state highway commission, the Washington toll bridge authority, the aeronautics commission, the canal commission, and those of the planning and community affairs agency which relate to transportation, in effect on June 30, 1977, shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the secretary of transportation or the transportation commission as provided in sections 6 and 10 of this 1977 amendatory act. Rules and regulations lawfully adopted by the board of pilotage commissioners pursuant to RCW 88.16.030 in effect on June 30, 1977, shall continue to have full force and effect and be applicable until suspended by, or repealed by, rules and regulations lawfully adopted by the newly constituted board of pilotage commissioners as provided for in RCW 88.16.010 as now or hereafter amended.

NEW SECTION. Sec. 13. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any, one assistant secretary for each division designated pursuant to section 8 of this 1977 amendatory act, and one confidential secretary for each of the above-named officers. The individuals appointed under this section shall be exempt from the provisions of the state civil service law, and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

NEW SECTION. Sec. 14. If on the effective date of this 1977 amendatory act, any exempt position designated hereinabove has not been filled by appointment, the person serving in the comparable exempt position, if any, in an agency whose functions are by section 3 of this 1977 amendatory act transferred to the department of

transportation shall fill such exempt position until a permanent appointment thereto has been made.

NEW SECTION. Sec. 15. Nothing in this 1977 amendatory act shall be construed to affect any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or any officer thereof prior to the effective date of this 1977 amendatory act.

NEW SECTION. Sec. 16. Nothing contained in this 1977 amendatory act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired.

NEW SECTION. Sec. 17. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, the board of pilotage commissioners, and such material in possession of the planning and community affairs agency which relates to transportation, shall be delivered on the effective date of this 1977 amendatory act, to the custody of the department of transportation.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers, duties, and functions transferred to the department of transportation by section 3 of this 1977 amendatory act shall be made available on the effective date of this 1977 amendatory act, to the department. All funds, credits, or other assets held in connection with the functions so transferred shall by such time be assigned to the department of transportation.

Any appropriations heretofore made to the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the canal commission, and the planning and community affairs agency for the purpose of carrying out the powers, duties, and functions transferred in section 3 of this 1977 amendatory act, shall on the effective date of this 1977 amendatory act, be so transferred and credited to the department of transportation for the purpose of carrying out such transferred powers, duties, and functions. Appropriations to the planning and community affairs agency hereby transferred to the department of transportation, including funds for administration of advanced planning moneys for local public transportation agencies, that are available for administration and state level planning functions may be expended during the period July 1, 1977, through March 31, 1978, to pay that share of the administration and planning activities of the department of transportation relating to nonhighway functions of the department, pending adoption of the department's supplemental budget as provided in section 25 of this 1977 amendatory act.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under section 3 of this 1977 amendatory act, the director of the office of program planning and fiscal management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 18. All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by section 3 of this 1977 amendatory act shall continue to perform such services for the department of transportation unless otherwise directed by this title.

NEW SECTION. Sec. 19. While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the state aeronautics commission, the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by section 3 of this 1977 amendatory act, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by section 11 of this 1977 amendatory act to the department of transportation, or any powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bond, warrant, certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official, or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: **PROVIDED**, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds, warrants, certificates, or receipts.

Sec. 20. Section 1, chapter 7, Laws of 1977 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of ~~((highways))~~ transportation, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, (12) the department of revenue, and (13) the department of retirement systems, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 21. Section 2, chapter 7, Laws of 1977 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the ~~((director of highways))~~ secretary of transportation, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, (12) the director of revenue, and (13) the director of retirement systems.

Such officers, except the ~~((director of highways))~~ secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate ~~((when he shall present to that body his nomination for the office))~~. The ~~((director of highways))~~ secretary of transportation shall be appointed by the ~~((state highway))~~ transportation commission as prescribed by section 4 of this 1977 amendatory act, and the director of game shall be appointed by the game commission.

NEW SECTION. Sec. 22. There is added to chapter 14.04 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in any provision in the Revised Code of Washington the term "Washington state aeronautics commission", "the state aeronautics commission", "the aeronautics commission of the state", "the aeronautics commission", or "the commission" (when referring to the Washington state aeronautics commission) is used, it shall mean the department of transportation created in section 3 of this 1977 amendatory act.

Wherever in any provision in the Revised Code of Washington the term "state director of aeronautics", "director of aeronautics", or "director" (when referring to the state director of aeronautics) is used, it shall mean the secretary of transportation whose office is created in section 4 of this 1977 amendatory act.

NEW SECTION. Sec. 23. There is added to Title 47 RCW a new section to read as follows:

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission), "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the Washington toll bridge authority) is used, it shall mean the department of transportation created in section 3 of this 1977 amendatory act.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in section 4 of this 1977 amendatory act.

NEW SECTION. Sec. 24. There is added to chapter 1.08 RCW a new section to read as follows:

For purposes of harmonizing and clarifying the provisions of the statute sections published in the revised code of Washington, the code reviser may substitute words designating the department of transportation or the secretary of transportation, as appropriate, whenever necessary to effect the changes in meaning provided for in sections 22 and 23 of this 1977 amendatory act or any other act of the 1977 legislature.

NEW SECTION. Sec. 25. (1) The transportation commission through the secretary of transportation, and in conjunction with the legislative transportation committee and the house and senate transportation committees, shall immediately undertake a study of the proper funding of the department of transportation, the state transportation systems and the functions vested in the department. The study shall encompass alternative sources of funding of both highway and nonhighway functions of the department.

(2) The transportation commission through the secretary of transportation shall prepare a proposed budget for the operations of the department of transportation for the biennium ending June 30, 1979, and in connection therewith shall obtain such data relating to the needs of the state transportation systems and functions as may be necessary. The preliminary budget including proposed alternative sources of funding for the department of transportation for the remainder of the biennium ending June 30, 1979, shall be submitted to the house and senate transportation committees for review by November 15, 1977.

NEW SECTION. Sec. 26. The chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of the department of motor vehicles are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic

safety commission, the administration engineer of the county road administration board, and the director of motor vehicles shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the administration engineer of the county road administration board, and the director of motor vehicles shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities. The secretary of transportation shall provide written comments to the governor and the legislature on the extent to which the state patrol's, the traffic safety commission's, the county road administration board's, and the department of motor vehicle's final plans, programs, and budgets are compatible with the priorities established in the department of transportation's final plans, programs, and budgets.

Sec. 27. Section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070 are each amended to read as follows:

In all situations wherein the director of highways, the director of aeronautics or any one of their designees, or any member of the highway commission, the toll bridge authority, the aeronautics commission, or the canal commission or any one of their designees was on ((July 1, 1951)) the effective date of this 1977 amendatory act, designated or serving as a member of any board, commission, committee, or authority, the ((state highway commission)) the chairman of the transportation commission or the chairman's designee who shall be an employee of the department of transportation, shall hereafter determine who shall serve as such member.

Sec. 28. Section 7, chapter 74, Laws of 1967 and RCW 43.63A.070 are each amended to read as follows:

The planning and community affairs agency shall have the following planning functions and responsibilities:

(1) Provide technical assistance to the governor and the legislature in identifying long range goals for the state((-));

(2) Prepare a state comprehensive plan as the state's long range public declaration of intent in developmental policy, for programming its facilities and services and for guidance of private activities and public programs at all levels of government. Plan elements may include but shall not be limited to transportation, scenic highways, public facilities, recreation, open spaces, natural resources, patterns of urban and rural development, and quality of the natural and man-made environment((-)); PROVIDED, That plan elements relating to transportation shall be in accord with the state-wide transportation policies and plans developed by the transportation commission pursuant to section 7 of this 1977 amendatory act;

(3) Provide assistance and coordination to other state agencies for preparation of agency plans and programs((-);

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds((-);

(5) Participate with other states or subdivisions thereof in interstate planning, and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions in planning((-);

(6) Assist the ((central budget agency)) office of program planning and fiscal management in capital improvement programming and other programming activities((-);

(7) Encourage educational and research programs that further planning and community development, and provide administrative and technical services therefor.

Sec. 29. Section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the ~~((state highway))~~ transportation commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the ~~((highway commission))~~ department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The ~~((highway commission))~~ department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways ~~(; which rules shall be administered by the department of highways)~~. The department ~~((of highways))~~ shall give public notice of closure or restriction. The ~~((highway commission))~~ department may ~~((further authorize the department of highways to))~~ issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 30. Section 46.44.090, chapter 12, Laws of 1961 as amended by section 13, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.090 are each amended to read as follows:

The ~~((state highway))~~ department of transportation, pursuant to rules adopted by the transportation commission with respect to ~~((primary and secondary))~~ state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Sec. 31. Section 46.44.091, chapter 12, Laws of 1961 as last amended by section 14, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.091 are each amended to read as follows:

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the ~~((highway commission))~~ department of transportation the movement or action is a necessary movement or action: **PROVIDED**, That in the judgment of the ~~((highway commission))~~ department of transportation the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Application shall be made in writing on special forms provided by the ~~((highway commission))~~ department of transportation and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles exceeding two hundred thousand pounds shall be submitted in writing to the ~~((highway commission))~~ department of transportation at least thirty days in advance of the proposed movement.

Sec. 32. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 15, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when ~~((in the opinion of the highway commission))~~ the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the ~~((commission))~~ department of transportation; (c) prior to issuing a permit a qualified ~~((highway))~~ transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the ~~((highway commission))~~ department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the ~~((highway commission))~~ department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the ~~((highway commission))~~ department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 33. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 17, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.095 are each amended to read as follows:

Until December 31, 1976, a combination of vehicles lawfully licensed to a total gross weight of seventy-two thousand pounds, and a three or more axle single unit vehicle lawfully licensed to a total gross weight of forty thousand pounds, and on January 1, 1977, and thereafter, when a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional

gross weight may be issued by the ~~((state highway commission))~~ department of transportation upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That an additional two thousand pounds may be purchased for an amount not to exceed thirty dollars per thousand for the rear axle of a two-axle garbage truck. Such additional weight shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed twenty thousand pounds.

The annual additional tonnage permits provided for in this section shall be issued ~~((under such rules and regulations and))~~ upon such terms and conditions as may be prescribed by the ~~((state highway))~~ department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the ~~((state highway commission))~~ department of transportation to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The ~~((state highway commission))~~ department of transportation shall issue such permits on a temporary basis for periods not less than five days at one dollar per day for each two thousands pounds or fraction thereof.

The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in this section shall be computed by the ~~((state highway commission))~~ department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The ~~((state highway commission))~~ department of transportation shall prorate the fees provided in this section only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 34. Section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the ~~((state highway commission))~~ secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect

to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, ~~((said commission))~~ the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will reasonably conserve energy resources, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The ~~((commission))~~ secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, ~~different~~ types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended.

Sec. 35. Section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the ~~((state highway commission))~~ secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever ~~((said commission))~~ the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the ~~((state highway commission))~~ secretary as provided in RCW 46.61.405, as now or hereafter amended.

(3) The word "trucks" used by the ~~((state highway commission))~~ department on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the ~~((state highway commission))~~ secretary shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary ~~((of the state highway commission))~~ shall ~~((mail))~~ cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation

commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

Sec. 36. Section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415 are each amended to read as follows:

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under ~~((this act))~~ RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The ~~((state highway commission))~~ secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the ~~((state highway commission))~~ secretary of transportation.

Sec. 37. Section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425 are each amended to read as follows:

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the ~~((state highway commission))~~ secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the ~~((commission))~~ secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

Sec. 38. Section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430 are each amended to read as follows:

Notwithstanding any law to the contrary or inconsistent herewith, the (~~Washington state highway commission~~) secretary of transportation shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect.

Sec. 39. Section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The (~~state highway commission~~) secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The (~~state highway commission~~) secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the (~~state highway~~) transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the (~~state highway commission~~) secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 40. Section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570 are each amended to read as follows:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the (~~state highway commission~~) secretary of transportation upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

Sec. 41. Section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels

within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the ~~((state highway commission))~~ secretary of transportation has determined by ~~((resolution or))~~ order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The ~~((state highway commission))~~ secretary with respect to highways under ~~((its))~~ his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where ~~((in its opinion, as evidenced by resolution or))~~ the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

Sec. 42. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the ~~((state highway commission))~~ department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the ~~((highway))~~ transportation commission has responsibility: **PROVIDED**, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955,

and on October 1st of each odd-numbered year thereafter furnish the ((state highway)) transportation commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the ((highway)) transportation commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the ((board of)) county ((commissioners)) legislative authority. ((The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1,629.00
Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00

Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department, and the annual reports of the county road departments:))

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as ~~((listed above))~~ provided for in subsection (e) of this subsection and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the ~~((highway))~~ transportation commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956, and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The ~~((state highway))~~ transportation commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c), and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The ~~((highway))~~ transportation commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The ~~((highway))~~ transportation commission and the legislative transportation committee shall study and report their findings and recommendations to the

legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

- (1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated((-));
- (2) Average costs per trunk mile((-);
- (3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted((-);
- (4) Reassessment of bridge costs based on current information and relogging of bridges((-);
- (5) The items in the list of resources used in determining the "need factor"((-);
- (6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs((-);
- (7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 43. Section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020 are each amended to read as follows:

The ~~((state highway commission))~~ department of transportation is hereby directed to conduct periodic analyses of the entire state highway system, and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes:

- (1) The "principal state highway system" which shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system((-);
- (2) The "major state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system((-);
- (3) The "collector state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system((-);
- (4) The "other state highway system".

In making such functional classification the ~~((highway commission))~~ department shall be governed by reasonable ~~((rules and regulations))~~ policies adopted by the commission, and give consideration to the following criteria:

- (a) Urban population centers within and without the state stratified and ranked according to size;
- (b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;
- (c) Feasibility of route, including availability of alternate routes within and without the state;
- (d) Directness of travel and distance between points of economic importance;
- (e) Length of trips;
- (f) Character and volume of traffic;
- (g) Preferential consideration for multiple service;
- (h) Reasonable spacing depending upon population density; and
- (i) System continuity, except for the "other" system.

Sec. 44. Section 3, chapter 173, Laws of 1963 as last amended by section 1, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.030 are each amended to read as follows:

The ~~((state highway commission))~~ department of transportation shall adopt and periodically revise in accordance with policies established by the transportation commission and after consultation with the legislative transportation committee and senate and house transportation ~~((and utilities))~~ committees a long range plan for

highway improvements, specifying highway planning objectives for each of the highway categories, "A", "B", and "C", defined in this section, based upon needs for the ensuing fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the improvement needs for state highways as determined by the ~~((highway commission))~~ department from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the ~~((highway commission))~~ department shall allocate the estimated available funds among the following described categories of highway improvements, so as to carry out the ~~((commission's))~~ department's highway planning objectives within a fourteen year advance planning period:

(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations).

(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.

(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network.

Sec. 45. Section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070 are each amended to read as follows:

The ~~((state highway))~~ transportation commission, with the assistance of the department, shall ((prepare)) approve and present to the governor and to the legislature ~~((at the time of))~~ prior to its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040.

Sec. 46. Section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010 are each amended to read as follows:

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the ~~((highway commission))~~ department of transportation is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase, or condemnation. In case of condemnation to secure such lands or interests in land,

the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the ~~((highway commission))~~ secretary of transportation shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

Sec. 47. Section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060 are each amended to read as follows:

When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the ~~((Washington state highway commission))~~ department may agree with the owner to convey to ~~((him))~~ that person title to the old route or a part thereof as all or part consideration for ~~((his))~~ such land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, or stock pile sites or owns land not needed for highway purposes, the ~~((Washington state highway commission))~~ department may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The ~~((Washington state highway commission shall certify the agreement to the governor with a description of the property to be conveyed, and the governor may execute and the secretary of state shall attest))~~ secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.

Sec. 48. Section 47.12.070, chapter 13, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070 are each amended to read as follows:

If the ~~((Washington state highway commission))~~ department deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, ~~((said highway commission))~~ the department may negotiate for the sale of the land to a city or county of the state. ~~((The state highway commission shall certify the agreement for the sale to the director of highways, with a description of the land and the terms of the sale, and the director of highways))~~ If a sale is agreed to, the secretary of transportation shall execute the deed, which shall be duly acknowledged, and deliver it to the grantee.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

Sec. 49. Section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080 are each amended to read as follows:

Whenever in the construction, reconstruction, location, or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the ~~((highway commission))~~ secretary of transportation and the attorney general, such transfer and conveyance is consistent with public interest, the ~~((highway commission))~~ secretary may enter into agreements accordingly. Whenever the ~~((highway commission))~~ secretary shall make any such agreement for any such transfer or conveyance, and ~~((together with))~~ the attorney general concurs therein, ~~((certifies to the director of highways that such agreement has been made setting forth in such certification a description of the lands or premises involved, the~~

~~director of highways~~) the secretary shall execute and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

Sec. 50. Section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120 are each amended to read as follows:

The ~~((highway commission))~~ department is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed, upon such terms and conditions as the ~~((highway commission))~~ department may determine.

Sec. 51. Section 47.12.130, chapter 13, Laws of 1961 as amended by section 4, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.130 are each amended to read as follows:

Whenever the ~~((state))~~ department ~~((of highways))~~ shall have title to any parcel of land acquired for highway purposes which the ~~((state highway commission))~~ secretary of transportation shall determine is not necessary for highway purposes, the ~~((commission))~~ secretary of transportation is authorized to ~~((cause))~~ deed such land ~~((to be deeded))~~ to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the ~~((highway commission))~~ department deems to be necessary for highway purposes. ~~((The director of highways shall execute the conveyances, which shall be duly acknowledged, necessary to carry out such exchange.))~~

Sec. 52. Section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140 are each amended to read as follows:

Whenever the ~~((state highway))~~ department shall have acquired any lands for highway purposes, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land, which the ~~((state highway commission))~~ department shall deem it best to sever from the land and sell as personal property, the same may be sold by the department ~~((of highways))~~ at public auction after due notice thereof shall have been given in accordance with general regulations ~~((prescribed))~~ adopted by the ~~((state highway commission))~~ secretary. The ~~((state highway commission))~~ department may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the ~~((commission))~~ department, it shall be lawful for the ~~((commission))~~ department to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

Sec. 53. Section 47.12.150, chapter 13, Laws of 1961 as amended by section 5, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.150 are each amended to read as follows:

Whenever the ~~((highway commission))~~ department shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the ~~((state highway commission))~~ department is authorized to acquire by condemnation or otherwise such lands and property rights

as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The (~~director of highways, at the request of the state highway commission;~~) secretary of transportation shall execute each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange.

Sec. 54. Section 2, chapter 281, Laws of 1961 and RCW 47.12.190 are each amended to read as follows:

The (~~Washington state highway commission~~) department, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the (~~highway commission~~) secretary of transportation is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

Sec. 55. Section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200 are each amended to read as follows:

The (~~highway~~) transportation commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the (~~highway~~) transportation commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

Sec. 56. Section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

(1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement((-);

(2) A designation of the specific fund or funds to be used to carry out such agreement((-);

(3) A provision that the (~~highway commission~~) department of transportation may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the (~~highway commission~~) department of transportation shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier((-);

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee((-);

(5) Any additional provisions agreed upon by the (~~highway~~) transportation commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240, as now or hereafter amended.

Sec. 57. Section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010 are each amended to read as follows:

The (~~state highway~~) transportation commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and

towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the (~~state highway commission~~) department of transportation shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the (~~state highway commission~~) department of transportation from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the (~~state highway commission~~) department of transportation to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the (~~state highway commission~~) department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the (~~state highway commission~~) department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 58. Section 20, chapter 83, Laws of 1967 ex. sess. as last amended by section 140, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.26.140 are each amended to read as follows:

The (~~assistant director of highways for state aid~~) department of transportation shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund.

Sec. 59. Section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the (~~highway~~) transportation commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The (~~highway~~) commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the (~~highway~~) commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The (~~highway commission~~) department of transportation is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 60. Section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020 are each amended to read as follows:

The (~~highway commission~~) secretary of transportation shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

Sec. 61. Section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030 are each amended to read as follows:

The (~~highway commission~~) secretary of transportation shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The (~~highway commission~~) department of transportation shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location (~~devised~~) approved by the (~~highway commission~~) secretary. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

Sec. 62. Section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027 are each amended to read as follows:

The (~~state highway commission~~) secretary of transportation may adopt design standards, rules, and regulations relating to construction, maintenance, and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules, and regulations the (~~commission~~) secretary shall take into account the policies, rules, and regulations of the United States secretary of commerce and the (~~bureau of public roads~~) federal highway administration relating to the construction, maintenance, and operation of the system of interstate and defense highways. The standards, rules, and regulations so adopted by the (~~commission~~) secretary shall constitute the public policy of this state and shall have the force and effect of law.

Sec. 63. Section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139 are each amended to read as follows:

Upon receipt of the findings and order adopting a plan, the county, city, or town may notify the (~~state highway commission~~) department of transportation of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city, or town does not approve the plan, the county, city, or town shall file its disapproval in writing with the (~~state highway commission~~) secretary of transportation within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the board. The request for hearing shall set forth the portions of the plan of the (~~state~~

~~highway commission~~) department to which the county, city, or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190, as now or hereafter amended.

Sec. 64. Section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150 are each amended to read as follows:

Upon request for a hearing before the board by any county, city, or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county, or legislative district, except that of the legislative body of the county, city, or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the ~~((state highway commission))~~ secretary of transportation shall appoint two members of the board ~~((who shall not be members of such commission))~~; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions, and of the four thus selected no more than two thereof may be members of a legislative body of the county, city, or town. The ~~((state highway commission))~~ secretary of transportation shall appoint four members of the board ~~((who shall not be members of such commission))~~. One member shall be selected by the members thus selected, and such ninth member shall be a licensed civil engineer or a recognized city or town planner, who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after ~~((the next meeting of the state highway commission immediately following))~~ the receipt of such a request by the ~~((commission))~~ secretary. In the event the ~~((state highway commission))~~ secretary or a county, city, or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the ~~((state highway commission))~~ secretary or the county, city, or town may apply to the superior court of the county in which the county, city, or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

Sec. 65. Section 47.52.180, chapter 13, Laws of 1961 as amended by section 3, chapter 77, Laws of 1977 and RCW 47.52.180 are each amended to read as follows:

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the ~~((state highway commission))~~ department of transportation. Such findings shall be final and binding upon both parties. Any modification of the proposed plan of the ~~((highway commission))~~ department of transportation made by the board of review may thereafter be modified by stipulation of the parties.

Sec. 66. Section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030 are each amended to read as follows:

The ~~((state highway commission))~~ department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries ~~((that may be authorized by the Washington toll bridge authority))~~, and the operation and maintenance thereof ~~((and the collection of tolls and charges thereon))~~. The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and

other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. The ((commission)) department shall have full charge of design of all toll facilities. The ((commission)) department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The ((highway commission)) department is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

Sec. 67. Section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070 are each amended to read as follows:

The ((authority)) department of transportation may, with the approval of the transportation commission, provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the ((authority)) department, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining ((-PROVIDED; That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way acquired without prior approval of the location, plans and specifications by the Washington state highway commission)).

Sec. 68. Section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080 are each amended to read as follows:

Whenever in the judgment of the ((highway)) transportation commission it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the ((highway)) commission shall ((submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own motion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall)) adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the ((Washington toll bridge authority)) commission be included in the same authority and issue of bonds.

Sec. 69. Section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090 are each amended to read as follows:

~~((Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission))~~ The department of transportation is empowered to secure right of way ((therefor)) for toll bridges and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

Sec. 70. Section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120 are each amended to read as follows:

In the event that the ~~((Washington toll bridge authority))~~ transportation commission should determine that any toll bridge should be constructed ((under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge)), all cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

Sec. 71. Section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250 are each amended to read as follows:

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the ~~((Washington state highway commission or the authority))~~ transportation commission advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the transportation commission ~~((or the authority))~~ advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the ~~((authority))~~ commission to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the ~~((state highway))~~ commission ~~((or the authority))~~ be placed with the ~~((Washington toll bridge authority))~~ department of transportation to be sold by the ~~((authority))~~ department to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the ~~((authority))~~ department to be used for the purpose for which contribution was made. The ~~((authority))~~ commission may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The ~~((authority))~~ commission may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

Sec. 72. Section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254 are each amended to read as follows:

If the ~~((authority))~~ secretary of transportation determines that any real property (including lands, improvements thereon, and any interests or estates) held by the ~~((authority))~~ department is no longer required for purposes of the ~~((authority))~~ department, the ~~((authority))~~ department shall offer it for sale as authorized by RCW 47.56.252 or ~~((in the manner and with the authority authorized to the state highway commission by))~~ RCW 47.12.280. The ~~((authority))~~ department may

adopt rules further implementing this section (~~(as granted to the highway commission by RCW 47.12.280)~~).

Sec. 73. Section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of (~~(the director of labor and industries of the state of Washington, ex officio, who shall be chairman of the board, and of four)~~) six members appointed by the governor and confirmed by the senate, and the secretary of the state department of transportation, or the secretary's designee who shall be an employee of the department of transportation, who shall be chairperson. Each of said appointed members shall be appointed for a term of four years from the date of (~~(his)~~) said member's commission. No person shall be eligible for appointment to said board unless (~~(he)~~) such person be at the time of (~~(his)~~) appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of their appointment. Two of said appointive commissioners shall be actively engaged in the ownership, operation (~~(or)~~), and management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of their appointment. One of said (~~(shipping men)~~) commissioners shall be a representative of American and one of (~~(them for)~~) foreign shipping. The remaining appointed commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on July 1, 1977, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointive commissioners shall hold office for the period for which they are appointed and until their successors are appointed and qualified, (~~(and)~~) except that the governor when first appointing commissioners after July 1, 1977, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively. Any vacancy in an appointive position on the board shall be filled by the governor for a term of four years, subject to confirmation by the senate.

(3) Five members of the board shall constitute a quorum and five votes for or against any measure shall be needed to transact business. All commissioners and the chairperson shall have a vote.

Sec. 74. Section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020 are each amended to read as follows:

The office of the department of (~~(labor and industries)~~) transportation of the state of Washington shall be the office of the board and all records of the board shall be kept in said office. Each pilotage commissioner other than the secretary or the secretary's designee shall receive the sum of (~~(twenty-five)~~) forty dollars per day for each day actually engaged in the conduct of the business of the board, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the chairman of said board.

Sec. 75. Section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050 are each amended to read as follows:

(The commission) In its capacity as successor to the canal commission, the department of transportation may:

(1) ~~((Shall))~~ Adopt rules and regulations necessary to carry out the purposes of this chapter.

(2) ~~((Shall meet not less than once every three months, and keep a complete record of all its proceedings. Special meetings may be called by the chairman of the commission, or by three members of the commission, by personal delivery of written notice thereof, or by delivery to their place of residence or business. Three members of the commission shall constitute a quorum to transact the business of the commission at either special or regular meetings.~~

(3) ~~Shall employ a director and such other employees as are necessary to carry out functions of the commission. The attorney general shall be legal adviser for the commission.~~

(4) ~~Shall))~~ Make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.

~~((5) May))~~ (3) Construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the ~~((commission))~~ department of transportation.

~~((6) May))~~ (4) Acquire by gift, purchase, or condemnation from any person, municipal, public, or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the ~~((canal commission))~~ department of transportation.

~~((7) May))~~ (5) Hold public hearings. Prior to a determination of feasibility for any proposed project, the ~~((commission))~~ department shall hold a public hearing so that members of the public may present their views thereon.

~~((8) May))~~ (6) Accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.

~~((9) May))~~ (7) Negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance of any navigation canal, or navigation canal system provided for in this chapter.

~~((10) Is authorized))~~ (8) As a local sponsor ~~((to))~~ cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, and rights of way ~~((and perform))~~, performing all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

NEW SECTION. Sec. 76. There is added to Title 47 RCW a new section to read as follows:

If any part of this title or any section of this 1977 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any department or agencies thereof, such

conflicting part or section is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of the act. Any internal reorganization carried out under the terms of this title or any section of this 1977 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 77. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 78. The rule of strict construction shall have no application to this title, and it shall be liberally construed in order to carry out the objectives for which it is designed. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in section 1 of this 1977 amendatory act.

NEW SECTION. Sec. 79. Title 47 RCW, presently titled "Public Highways" shall, upon the implementation of this 1977 amendatory act, be known and referred to as "Public Highways and Transportation". Chapters 14.04 and 91.12 RCW shall be recodified as part of Title 47 RCW.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967, section 9, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.030;

(2) Section 4, chapter 165, Laws of 1947, section 1, chapter 289, Laws of 1961, section 2, chapter 68, Laws of 1967, section 10, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.040;

(3) Section 5, chapter 165, Laws of 1947, section 5, chapter 75, Laws of 1977 and RCW 14.04.050;

(4) Section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010;

(5) Section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020;

(6) Section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030;

(7) Section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess., section 138, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.01.040;

(8) Section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050;

(9) Section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060;

(10) Section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080;

(11) Section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090;

(12) Section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100;

(13) Section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110;

(14) Section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120;

(15) Section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130;

(16) Section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160;

(17) Section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034;

(18) Section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020;

(19) Section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967, section 181, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 91.12.030; and

(20) Section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040.

NEW SECTION. Sec. 81. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1977."

In line 1 of the title, after "transportation;" strike the remainder of the title, and insert "creating a department of transportation and prescribing its general structure, personnel, powers, duties, and functions; transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the planning and community affairs agency, and the canal commission; transferring to the jurisdiction of the secretary of transportation certain powers, duties, and functions of certain state officials, boards, and commissions; providing the procedure for the aforesaid transfers; saving certain rights; abolishing certain state agencies and offices; renaming Title 47 RCW and adding certain code chapters thereto; amending section 1, chapter 7, Laws of 1977 and RCW 43.17.010; amending section 2, chapter 7, Laws of 1977 and RCW 43.17.020; amending section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070; amending section 7, chapter 74, Laws of 1967 and RCW 43.63A.070; amending section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080; amending section 46.44.090, chapter 12, Laws of 1961 as amended by section 13, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as last amended by section 14, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 15, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.092; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 17, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.095; amending section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405; amending section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415; amending section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425; amending section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430; amending section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450; amending section 66, chapter 155, Laws of 1965 ex. sess. as amended by section 35, chapter 62, Laws of 1975 and RCW 46.61.570; amending section 67, chapter 155, Laws of 1965 ex. sess. as amended by section 36, chapter 62, Laws of 1975 and RCW 46.61.575; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 100, Laws of 1975 1st ex. sess. and RCW 46.68.120; amending section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020; amending section 3, chapter 173, Laws of 1963 as last amended by section 1, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.030; amending section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070; amending section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010; amending section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060; amending section 47.12.070, chapter 13, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070; amending section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080; amending section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120; amending section 47.12.130, chapter 13, Laws of 1961 as amended by section 4, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.130; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.12.150, chapter 13, Laws of 1961 as amended by section 5, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.150; amending

section 2, chapter 281, Laws of 1961 and RCW 47.12.190; amending section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200; amending section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.220; amending section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010; amending section 20, chapter 83, Laws of 1967 ex. sess. as last amended by section 140, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.26.140; amending section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010; amending section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020; amending section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030; amending section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027; amending section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139; amending section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150; amending section 47.52.180, chapter 13, Laws of 1961 as amended by section 3, chapter 77, Laws of 1977 and RCW 47.52.180; amending section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030; amending section 47.56.070, chapter 13, Laws of 1961 and RCW 47.56.070; amending section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080; amending section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090; amending section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120; amending section 47.56.250, chapter 13, Laws of 1961 and RCW 47.56.250; amending section 3, chapter 257, Laws of 1961 as amended by section 3, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.56.254; amending section 1, chapter 18, Laws of 1935 as amended by section 58, chapter 292, Laws of 1971 ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 178, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 88.16.020; amending section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050; adding a new section to chapter 1.08 RCW; adding a new section to chapter 14.04 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding new sections to chapter 13, Laws of 1961 and to chapter 47.01 RCW; adding new sections to Title 47 RCW; creating new sections; repealing section 3, chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967, section 9, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.030; repealing section 4, chapter 165, Laws of 1947, section 1, chapter 289, Laws of 1961, section 2, chapter 68, Laws of 1967, section 10, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 14.04.040; repealing section 5, chapter 165, Laws of 1947, section 5, chapter 75, Laws of 1977 and RCW 14.04.050; repealing section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010; repealing section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020; repealing section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030; repealing section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess., section 138, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 47.01.040; repealing section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050; repealing section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060; repealing section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080; repealing section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090; repealing section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100; repealing section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110; repealing section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120; repealing section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130; repealing section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160; repealing section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034; repealing section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020;

repealing section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967, section 181, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 91.12-.030; repealing section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040; declaring an emergency; and providing an effective date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Henry moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2924.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Henry yield to a question? Senator Henry, I noted you mentioned that the per diem for the highway commission members was increased from forty dollars to sixty dollars."

Senator Henry: "It will have no effect on the pensions any more than the existing forty dollars. Is that your question?"

Senator Rasmussen: "No, that is not my question. That is Senator Mardesich's question."

Senator Henry: "Well, I will answer his before he asks it. Now go ahead with yours."

Senator Rasmussen: "He was not listening. My question was, does that affect those people that are now in office or do they get the sixty dollars upon reappointment—a new term."

Senator Henry: "No, it is not like it affects elected officials, Senator."

Senator Rasmussen: "No, I am talking about the highway commission, not—"

Senator Henry: "I am talking about the highway commission—. It is my understanding, unless there is some legal reason I don't know anything about, that the existing commissioners will serve out their terms. There will be two more appointed, and they will all receive the sixty dollars per diem."

Senator Rasmussen: "Upon the new—reappointment."

Senator Henry: "Right. Well, as of now"

The motion by Senator Henry carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2924.

MOTION

On motion of Senator Jones, Senators Buffington, Gould and Hayner were excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2924, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Grant, Van Hollebeke—2.

Excused: Senators Buffington, Cunningham, Francis, Gould, Hayner, Peterson, Wojahn—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2924, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2975, with the following amendments:

On page 1, strike everything after the enacting clause and insert the following: "NEW SECTION. Section 1. (1) The operator of any ski area shall maintain a sign system.

All signs for instruction of the public shall be bold in design with wording short, simple, and to the point. All such signs shall be prominently placed.

Entrances to all machinery, operators', and attendants' rooms shall be posted to the effect that unauthorized persons are not permitted therein.

The sign "Men Working on Lift" or a similar warning sign shall be hung on the main disconnect switch and at control points for starting the auxiliary or prime mover when men are working on the passenger tramway.

(2) The interior of each reversible aerial tramway and gondola lift shall be prominently posted to show:

(a) The maximum capacity of each reversible aerial tramway and gondola lift in pounds and number of passengers (which shall also be posted at each loading area); and

(b) Instructions for procedure in emergencies.

(3) The following signs shall be posted at all aerial lifts except gondola lifts:

(a) "Prepare to Unload" (not less than fifty feet ahead of unloading area);

(b) "Keep Ski Tips Up" (ahead of any point where skis may come in contact with a platform or the snow surface);

(c) "Unload Here";

(d) "Safety Gate" (if applicable);

(e) "Remove Pole Straps from Wrists" (at loading area); and

(f) Sign visible at all points of downhill loading, listing downhill capacity of lift.

(4) The following signs shall be posted at all surface lifts:

(a) "Prepare to Unload" (not less than fifty feet ahead of unloading area);

(b) "Stay in Track";

(c) "Unload Here";

(d) "Safety Gate"; and

(e) "Remove Pole Straps from Wrists" (at loading area).

(5) The following signs shall be posted at all tows:

(a) "No Loose Scarves

No Loose Clothing

No Long Hair Exposed"

(at loading area);

(b) "Stay in Track";

(c) "Unload Here"; and

(d) "Safety Gate".

(6) All signs required for normal daytime operation shall be in place, and those pertaining to the tramway, lift, or tow operations shall be adequately lighted for night skiing.

(7) If a particular trail or slope has been closed to the public by an operator, the operator shall place a notice thereof at the top of the trail or slope involved, and no person shall ski on a slope or trail which has been designated "Closed".

(8) An operator shall place a notice at the embarking terminal or terminals of a lift or tow which has been closed that the lift or tow has been closed and that a person embarking on such a lift or tow shall be considered to be a trespasser.

(9) An operator shall prominently place a notice containing the substance of section 3 of this act in such places as are necessary to notify the public.

(10) Any snow making machines or equipment shall be clearly visible and clearly marked.

(11) The operator of any ski area shall maintain a readily visible sign on each rope tow, wire rope tow, j-bar, t-bar, ski lift, or other similar device, advising the users of the device that:

(a) Any person not familiar with the operation of the lift shall ask the operator thereof for assistance and/or instruction; and

(b) The skiing-ability level recommended for users of the lift and the slopes served by the device shall be classified "easiest", "more difficult", and "most difficult".

NEW SECTION. Sec. 2. (1) In addition to the specific requirements of this section, all skiers shall conduct themselves within the limits of their individual ability and shall not act in a manner that may contribute to the injury of themselves or any other person.

(2) No person shall:

(a) Embark or disembark upon a ski lift except at a designated area;

(b) Throw or expel any object from any tramway, ski lift, commercial skimobile, or other similar device while riding on the device;

(c) Act in any manner while riding on a rope tow, wire rope tow, j-bar, t-bar, ski lift, or similar device that may interfere with the proper or safe operation of the lift or tow;

(d) Wilfully engage in any type of conduct which may injure any person, or place any object in the uphill ski track which may cause another to fall, while traveling uphill on a ski lift; or

(e) Cross the uphill track of a j-bar, t-bar, rope tow, wire rope tow, or other similar device except at designated locations.

(3) Every person shall maintain control of his or her speed and course at all times, and shall stay clear of any snowgrooming equipment, any vehicle, any lift tower, and any other equipment on the mountain. Snow grooming equipment or any other vehicles shall be equipped with a flashing yellow light at any time the vehicle is moving on or in the vicinity of a ski run.

(4) A person shall be the sole judge of his or her ability to negotiate any trail, slope, or uphill track and no action shall be maintained against any operator by reason of the condition of the track, trail, or slope unless the condition results from the negligence of the operator.

(5) Any person who boards a rope tow, wire rope tow, j-bar, t-bar, ski lift, or other similar device shall be presumed to have sufficient abilities to use the lift. No liability shall attach to any operator or attendant for failure to instruct the person on the use of the device, but a person shall follow any written or verbal instructions that are given regarding the use.

(6) Because of the inherent risk in the sport of skiing all persons using the ski hill shall exercise reasonable care for their own safety. However, the primary duty shall be on the person skiing downhill to avoid any collision with any person or object below him or her.

(7) Subsection (6) of this section notwithstanding, any person skiing on other than improved trails or slopes within the area shall be responsible for any injuries or losses resulting from his or her action.

(8) Subsections (6) and (7) of this section notwithstanding, any person on foot or on any type of sliding device shall be responsible for any collision whether the collision is with another person or with an object.

(9) A person embarking on a lift or tow without authority shall be considered to be a trespasser.

NEW SECTION. Sec. 3. Any person who is involved in a skiing accident and who departs from the scene of the accident without leaving personal identification or otherwise clearly identifying himself or herself before notifying the proper authorities or obtaining assistance, knowing that any other person involved in the accident is in need of medical or other assistance, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 4. (1) Every tramway, ski lift, or commercial skimobile operator shall maintain liability insurance of not less than one hundred thousand dollars per person per accident and of not less than two hundred thousand dollars per accident.

(2) Every operator of a rope tow, wire rope tow, j-bar, t-bar, or similar device shall maintain liability insurance of not less than twenty-five thousand dollars per person per accident and of not less than fifty thousand dollars per accident.

(3) This section shall not apply to operators of tramways that are not open to the general public and that are operated without charge, except that this section shall apply to operators of tramways that are operated by schools, ski clubs, or similar organizations.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 70 RCW."

On page 1, on line 1 of the title, after "Relating to", strike "the liability of ski resort operators" and insert "skiing and commercial ski activity", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Bluechel moved the Senate do concur in the House amendments to Substitute Senate Bill No. 2975.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Bluechel yield to a question, please? Senator Bluechel, the prior bill, the original bill, provided that ski operators were not responsible for ordinary negligence, gross negligence only. What is the status in the amendment?"

Senator Bluechel: "All reference to gross negligence is deleted from the bill, just straight negligence now, and this was in concurrence with the trial lawyers."

The motion by Senator Bluechel carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 2975.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bluechel yield to a question? Senator Bluechel, I want to say that the rewrite is much better than the original."

Senator Bluechel: "I agree."

Senator Rasmussen: "Further than that, I note here on page 2 of the amendment, 'The following signs shall be posted. . . : "No loose scarves, No loose clothing, No Long Hair Exposed,"'. What is the violation if I come up there in my normal skiing clothes rather than my skin-tights?"

Senator Bluechel: "You are liable to lose your hair. No, Senator Rasmussen, this is for rope tows and it is quite dangerous to go up a rope tow with any loose scarves, with long hair. They can get tangled in the tow, and it is something you

watch very carefully. That is the reason for posting the signs. Incidentally, that is standard practice right now. This is no different from what is being done right now."

Senator Rasmussen: "Well, I always admire those people that are up there in close fitting clothes, but I didn't know that we were going to require—"

Senator Bluechel: "The area operator will tell anybody with a loose scarf, with something like that, to please take it off or wrap it around tight before letting them up the tow."

Senator Rasmussen: "Thank you, it sounds like a good bill, Mr. President."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2975, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Cunningham, Francis, Gould, Peterson, Wojahn—5.

SUBSTITUTE SENATE BILL NO. 2975, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the Act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2273, with the following amendment:

On page 1, beginning on line 9, strike the remainder of the section, and insert:

"Where students at any of the four year state colleges or universities participate in a joint program undertaken by two or more of such institutions, and which leads to a degree, the tuition and fees assessed each student participating in such joint program shall be equal.

The governing board at each state four year institution shall, where the tuition and fees which it charges resident students participating in a joint program falling within the scope of this 1977 act would be less than those charged to any such students from any other state four year institution who participates in such joint program, impose a supplemental fee upon its resident students so participating in order to make the tuition and fees charged to them equal to the highest amount charged to any other resident student from a state four year institution who participates in the program. Such governing board shall, where the tuition and fees which it charges nonresident students participating in a joint program falling within the scope of this 1977 act would be less than those charged to any such students participating from any other state four year institution who participates in such joint program, impose a supplemental fee upon its nonresident students so participating in order to make the tuition and fees charged to them equal to the highest amount charged to any other nonresident student from a state four year institution who participates in the program.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Sandison, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2273.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2273, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Cunningham, Francis, Peterson, Wojahn—4.

ENGROSSED SENATE BILL NO. 2273, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2382, with the following amendments:

On page 1, line 11, after "age" strike all material down to and including "pass" on line 13 and insert "may apply to the commission and shall be issued an annual senior citizen pass to be effective for one year after the date of issuance: PROVIDED, That the pass shall only be issued to the applicant if such applicant qualifies for social security benefits under Public Law 92-603 on the date the pass is issued"

On page 1, line 23, after "campsites." insert "Any resident of Washington who receives assistance pursuant to Aid to Families with Dependent Children, Supplemental Security Income, or General Assistance as such programs are described in Title 74 RCW shall be entitled to receive, regardless of age and upon making application therefor, a pass at no cost to the holder. The pass shall entitle the holder and members of his camping unit to admission to all state parks, and a fifty percent reduction in the fee for the use of overnight campsites.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Gaspard, the Senate refused to concur in House amendments to Substitute Senate Bill No. 2382, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2114, with the following amendment:

On page 1, beginning on line 26, after "parkways" strike all material down to and including "years;" on page 2, line 5, and insert ", upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than ((twenty)) forty years, and upon such conditions as", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2114.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2114, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Donohue, Mardesich—2.

Excused: Senators Cunningham, Francis, Peterson, Wojahn—4.

ENGROSSED SENATE BILL NO. 2114, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:45 p.m., on motion of Senator Walgren, the Senate recessed until 3:57 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:57 p.m.

MESSAGES FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed:
 ENGROSSED SENATE BILL NO. 2211,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2593,
 SUBSTITUTE SENATE BILL NO. 2634,
 SENATE BILL NO. 2675,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2851,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3098, and the same are
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 23, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 161,
 SUBSTITUTE HOUSE BILL NO. 440, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 161,
 SUBSTITUTE HOUSE BILL NO. 440.

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 121, by Senators Walgren, Sandison, Matson and Newschwander:
Amending Senate Concurrent Resolution No. 113.

MOTIONS

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

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 121 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

At 4:02 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, May 24, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 24, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Donohue, Francis, Gaspard, Lewis, McDermott, Sellar, Walgren, Wojahn and Woody. On motion of Senator Jones, Senators Lewis and Sellar were excused. On motion of Senator Odegaard, Senators Bottiger, Donohue, Francis, McDermott and Wojahn were excused.

The Color Guard, consisting of Pages Marjorie Bennett and Timothy Devenney, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"O GOD, WHO HOLDS THE MYSTERY OF CREATION IN YOUR WISDOM, WE COME AS PARTIAL PEOPLE. AT ONCE MARVELING AT THE MYSTERY OF LIFE AND RELATIONSHIPS, AT THE GROWTH OF FLOWERS AND THE DEPTH OF A PERSON, YET AT THE SAME TIME, UNCERTAIN ABOUT WHO WE ARE, LESS SURE OF WHERE WE ARE GOING AND WHAT THE MEANING OF IT ALL WILL BE. WE CONFESS THAT WE HAVE NOT ALWAYS LIVED UP TO THE BEST THAT WE KNOW. WE HAVE OFTEN CHOSEN THE PATHS OF WEAKNESS AND RESIGNATION OR TRIED TO HOLD TOO TIGHTLY TO THE REIGNS OF OUR OWN DESTINY. AND SO WE PAUSE BEFORE THE CHALLENGES OF THIS DAY TO SENSE ONCE AGAIN THE LARGER PURPOSES OF LIFE, TO BREATHE ONCE AGAIN THE SPIRIT OF LIFE WHICH GIVES CONFIDENCE TO COURAGE AND BE TOUCHED ONCE AGAIN BY THE HOPE WHICH YOU HAVE FOR HUMAN LIFE. MAY THE FRUITS OF OUR WORK BE AN ACCEPTABLE OFFERING TO YOU AND TO THE FUTURE OF OUR PEOPLE, WE PRAY. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

May 23, 1977.

ENGROSSED HOUSE BILL NO. 778, authorizing voluntary deductions for group insurance premiums from state patrol retirement allowances (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Jones, Marsh, Morrison, Murray, Rasmussen, Ridder, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2451, with the following amendments:

On page 1, after line 20, add a new section as follows:

"Sec. 2. Section 84.48.010, chapter 15, Laws of 1961 and RCW 84.48.010 as amended by section 2, chapter 55, Laws of 1970 ex. sess., are each amended as follows:

Prior to July 1st, the county commissioners shall form a board for the equalization of the assessment of the property of the county. The members of said board may receive twenty-five dollars per day for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the county commissioners constitute the board they shall not receive the per diem allowance. The board of equalization shall meet in open session for this purpose annually on the first Monday in July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

(First.) They shall raise the valuation of each tract or lot or item of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

(Second.) They shall reduce the valuation of each tract or lot or item which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

(Third.) They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

(Fourth.) They shall, upon complaint in writing of any party aggrieved, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

(Fifth.) The board may review all claims for either real or personal property tax exemption, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor shall correct the real and personal assessment rolls in

accordance with the changes made by the said county board of equalization, and he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state board of equalization on or before the fifth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the first Monday in July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: **PROVIDED**, That, in addition to the several times fixed by statute, any county board of equalization may be reconvened for special or general purposes, but not later than three years after the date of adjournment of its regularly convened session by order of the department of revenue; **PROVIDED, FURTHER**, That the county board of equalization may convene at any time when petitions filed exceed 25, or 10 percent of the number of appeals filed in the preceding year.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

Boards of county commissioners as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person."

On page 1, line 3 of the title, after "RCW 84.08.130" strike "." and add ", amending section 84.48.010, chapter 15, Laws of 1961 and RCW 84.48.010, as amended by section 2, chapter 55, Laws of 1970 ex. sess., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

Senator Rasmussen moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2451.

On motion of Senator Rasmussen, the House Message on Engrossed Senate Bill No. 2451, together with the motion by Senator Rasmussen, was ordered held for further consideration later today.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed SENATE JOINT RESOLUTION NO. 113, with the following amendments:

On page 1, line 13, after "dollars" insert "or as otherwise determined by law"

On page 2, line 14, after "dollars" insert "or as otherwise determined by law", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Hayner, the Senate concurred in the House amendments to Senate Joint Resolution No. 113.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 113, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 36; nays, 2; absent or not voting, 3; excused, 7.

Voting yea: Senators Bausch, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe,

Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson—36.

Voting nay: Senators Beck, Pullen—2.

Absent or not voting: Senators Gaspard, Walgren, Woody—3.

Excused: Senators Bottiger, Donohue, Francis, Lewis, McDermott, Sellar, Wojahn—7.

SENATE JOINT RESOLUTION NO. 113, as amended by the House, having received the constitutional two-thirds majority, was declared passed.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2956, with the following amendment:

On page 1, line 6, after "of any" insert "existing", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2956.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2956, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 8; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Buffington, Clarke, Day, Gaspard, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—32.

Voting nay: Senators Bluechel, Fleming, Goltz, Gould, North, Ridder, Walgren, Washington—8.

Absent or not voting: Senator Woody—1.

Excused: Senators Bottiger, Donohue, Francis, Lewis, McDermott, Sellar, Wojahn—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2956, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

HOUSE BILL NO. 779, by Representatives Vrooman, Knowles, Lux, Keller, Martinis, Burns, Wilson, Toller and Berentson:

Authorizing group filing for certain labor liens.

MOTION

On motion of Senator Marsh, House Bill No. 779 was ordered to hold its place on the second reading calendar for May 25, 1977.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 873.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 873, by Committee on Natural Resources (originally sponsored by Representatives Vrooman, Martinis, Moreau, Schmitt and Hanna):

Regulating the harvesting of specialized forest products.

The bill was read the second time by sections.

Senator Peterson moved the rules be suspended, Engrossed Substitute House Bill No. 873 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Peterson yield before we advance the bill? Senator Peterson, the other day while you were absent there was some discussion with respect to this measure. We were told that the bill prohibited a person from cutting more than—was it five—cedar trees on his own property without making application to a sheriff or some kind of a permit. Is it that restrictive with respect to what a person can do on his own property, or is that information incorrect?"

Senator Peterson: "Yes, to a degree it is, Senator Mardesich. The proposed amendment that you are speaking to would broaden the language of the existing bill. We have to revert back a little bit. This is the 'Christmas tree bill' that we passed through here preventing the theft of Christmas trees from private land. It has been very well demonstrated that the step (sic) is cedar, today cedar bringing somewhat over two hundred dollars a cord for blank blocks that they haul into the various cedar processors. That is a pretty lucrative business. I mean, that is a pick-up load for two hundred dollars, and the theft has become so prevalent that something had to be done, and what we are doing here is putting the same type of regulation into the cedar processors that—and it does restrict them.

"With the proposed amendment that Senator Odegaard was going to offer if, in fact, we open it up to that extent, it would include Weyerhaeuser, Rainier, Scott Paper and everyone in the state, and it would just gut the bill and defeat the entire purpose of it. So, I hope I am answering your question, but that is the way it is, and we feel that it is necessary.

"There is no particular objection from the processors or from the land owners. We haven't had any objections in committee at all, and we think it is a good bill, and we would like to pass it the way it is."

The motion by Senator Peterson carried and Engrossed Substitute House Bill No. 873 was advanced to third reading and final passage.

MOTION

On motion of Senator Odegaard, Senators Gaspard, von Reichbauer and Woody were excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 873, and the bill passed the Senate by the following vote: Yeas, 35; nays, 2; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—35.

Voting nay: Senators Fleming, Grant—2.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Bottiger, Donohue, Francis, Gaspard, Lewis, McDermott, Sellar, von Reichbauer, Wojahn, Woody—10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 697.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 697, by Committee on Education (originally sponsored by Representatives Dunlap, Clemente, Fortson, Whiteside, Bauer, Barnes, Greengo, Paris and Teller):

Mandating learning objectives for grades K-12 for statutorily required courses.

The Senate resumed consideration of Substitute House Bill No. 697, as amended by the Senate. On May 20, 1977, on motion of Senator Clarke, the Senate moved to reconsider the vote by which Substitute House Bill No. 697, as amended by the Senate, passed the Senate. At that time, on motion of Senator Gould, the bill was returned to second reading.

On motion of Senator Gould, the following amendment by Senators Gould and McDermott was adopted:

On page 2, beginning on line 11, strike all of section 2.

On motion of Senator Gould, the following amendment by Senators McDermott and Gould to the title was adopted:

On page 2, beginning on line 11, strike all of section 2.

On motion of Senator Gould, the rules were suspended, Substitute House Bill No. 697, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 697, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 42; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Excused: Senators Bottiger, Francis, Lewis, McDermott, Wojahn, Woody—6.

SUBSTITUTE HOUSE BILL NO. 697, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 1229.

SECOND READING

HOUSE BILL NO. 1229, by Representative Bender:

Revising laws relating to boiler inspection.

The bill was read the second time by sections.

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

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1229, and the bill passed the Senate by the following vote: Yeas, 42; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Excused: Senators Bottiger, Francis, Lewis, McDermott, Wojahn, Woody—6.

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

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 798.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 798, by Committee on Commerce (originally sponsored by Representatives O'Brien):

Expanding the right to be free from discrimination.

REPORT OF STANDING COMMITTEE

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 798, expanding the right to be free from discrimination (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 43.01.100, chapter 8, Laws of 1965 and RCW 43.01.100 are each amended to read as follows:

The inclusion of any question relative to an applicant's race or religion in any application blank or form for employment or license required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state or the disclosure on any license of the race or religion of the

licensee is hereby prohibited: PROVIDED, That nothing herein shall prohibit ascertaining and recording the race or religion of applicants for employment or of applicants for the services of any state agency, when the ascertaining or recording is not an unfair practice because of the operation of section 35 of this 1977 amendatory act.

Sec. 2. Section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.010 are each amended to read as follows:

This chapter shall be known as the "~~((law against discrimination))~~ human rights law". It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap; and the ~~((board))~~ commission established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 3. Section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.030 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;
 (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions without discrimination: PROVIDED HOWEVER, That different insurance rates may be continued and/or applied on the basis of sex when bona fide statistical differences in risk or exposure are substantiated; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy, or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with, or in order to exclude any person or persons from, any business relationship on the basis of race, color, creed, religion, sex, national origin, or lawful business relationship: PROVIDED HOWEVER, That nothing contained in this section shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover the actual damages sustained by him, or both, together with the cost of suit including ((a)) reasonable attorney's fees or any other remedy authorized by this chapter or the United States Civil Rights Act of 1964; and

(3) Notwithstanding any other provisions of this chapter, any act prohibited by this chapter related to sex discrimination or discriminatory boycotts or blacklists which is committed in the course of trade or commerce in the state of Washington as defined in the Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair practice within the meaning of RCW 19.86.020 and 19.86.030 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended.

Sec. 4. Section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040 are each amended to read as follows:

As used in this chapter:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural or artificial persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state, or of any political or civil subdivision thereof;

"Commission" means the Washington state human rights commission;

"Employer" includes any person acting in the interest of an employer, directly, or indirectly, who has eight or more persons in his employ(~~;~~ and does not include any religious or sectarian organization, not organized for private profit);

"Employee" does not include any individual employed by his parents, spouse, or child, or in the domestic service of any person;

"Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

"Employment agency" includes any person undertaking with or without compensation, to recruit, procure, refer, or place employees for an employer;

"Creed" includes religion and other fundamental matters of conscience having a place in a person's life comparable to religion in the life of a religious person. It does not include political persuasion or affiliation;

"Religion" includes all aspects of religious observance and practice, as well as belief;

"Age" means being between the ages of forty and sixty-five, and incorporates all of the limitations and qualifications written into RCW 49.44.090;

"National origin" includes ((^))ancestry((^));

"Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed ((σ)), color, national origin, sex, or sensory, mental or physical handicap, to be treated as not welcome, accepted, desired or solicited;

"Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation or rest, or for the burial or other disposition of human remains, or

for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing herein contained shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; (~~nor shall anything herein contained apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;~~)

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental or lease of real property.

"Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the course of the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

Sec. 5. Section 3, chapter 270, Laws of 1955 and RCW 49.60.060 are each amended to read as follows:

One of the original members of the ((~~board~~)) commission shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds.

A member shall be eligible for reappointment.

A vacancy in the ((~~board~~)) commission shall be filled within thirty days, the remaining members to exercise all powers of the board.

Any member of the ((~~board~~)) commission may be removed by the governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

Sec. 6. Section 4, chapter 270, Laws of 1955 as amended by section 145, chapter 34, Laws of 1975 '76 2nd ex. sess. and RCW 49.60.070 are each amended to read as follows:

Each member of the ((~~board~~)) commission while in session or on official business shall receive reimbursement for travel expenses incurred during such time in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 7. Section 5, chapter 270, Laws of 1955 and RCW 49.60.080 are each amended to read as follows:

The ~~((board))~~ commission shall adopt an official seal, which shall be judicially noticed.

Sec. 8. Section 6, chapter 270, Laws of 1955 as amended by section 6, chapter 37, Laws of 1957 and RCW 49.60.090 are each amended to read as follows:

The principal office of the ~~((board))~~ commission shall be in the city of Olympia, but it may meet and exercise any or all of its powers at any other place in the state, and may establish such district offices as it deems necessary.

Sec. 9. Section 7, chapter 270, Laws of 1955 as amended by section 74, chapter 75, Laws of 1977 and RCW 49.60.100 are each amended to read as follows:

The ~~((board))~~ commission, at the close of each fiscal year, shall report to the governor, describing the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The ~~((board))~~ commission may present its reports to the legislature; the ~~((board's))~~ commission's reports shall be made available upon request.

Sec. 10. Section 5, chapter 183, Laws of 1949 and RCW 49.60.110 are each amended to read as follows:

The ~~((board))~~ commission shall formulate policies to effectuate the purposes of this chapter and may make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes.

Sec. 11. Section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120 are each amended to read as follows:

The ~~((board))~~ commission shall have the functions, powers and duties:

(1) To appoint an executive secretary and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the board in connection therewith.

(4) To receive, investigate, and pass upon complaints alleging unfair practices as defined in this chapter ~~((because of sex, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap))~~.

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

(7) To cooperate and act jointly or by division of labor with the United States, other states, and political subdivisions of the state of Washington and their respective human rights agencies to carry out the purposes of this human rights law. The commission may perform services for such agencies and be reimbursed therefor.

(8) To accept gifts, bequests, grants or other payments, public or private, to help finance its activities, and to expend the same pursuant to the terms of the gift, grant, or payment, within the limitations of chapter 49.60 RCW as now or hereafter amended.

(9) To foster good relations between minority and majority groups and elements of the population of the state of Washington, through seminars, conferences, educational programs, and other intergroup relations activities.

Sec. 12. Section 9, chapter 270, Laws of 1955 as last amended by section 146, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.130 are each amended to read as follows:

The ((board)) commission has power to create such advisory agencies and conciliation councils, local, regional, or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The ((board)) commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of age, sex, race, creed, color, national origin, marital status, or the presence of any sensory, mental, or physical handicap; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the ((board)) commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and the ((board)) commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The ((board)) commission may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 13. Section 10, chapter 270, Laws of 1955 and RCW 49.60.140 are each amended to read as follows:

The ((board)) commission has power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the ((board)) commission. The ((board)) commission may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations and other process or papers of the ((board)) commission, its member, agent, or agency, either personally or by registered or certified mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office receipt, when service is by registered or certified mail, shall be proof of service of the same.

Sec. 14. Section 11, chapter 270, Laws of 1955 and RCW 49.60.150 are each amended to read as follows:

No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the ((board)) commission or of any individual member, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

Sec. 15. Section 12, chapter 270, Laws of 1955 and RCW 49.60.160 are each amended to read as follows:

In case of contumacy or refusal to obey a subpoena issued to any person, the superior court of any county within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the ((~~board~~)) commission shall have jurisdiction to issue to such person an order requiring such person to appear before the ((~~board~~)) commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

Sec. 16. Section 13, chapter 270, Laws of 1955 and RCW 49.60.170 are each amended to read as follows:

Witnesses before the ((~~board~~)) commission, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to same fees as are paid for like services in the courts of the state.

Sec. 17. Section 9, chapter 37, Laws of 1957 as last amended by section 6, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.180 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of ((~~such person's~~)) age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification: **PROVIDED**, That the prohibition against discrimination because of such handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved: **PROVIDED FURTHER**, That nothing contained in this section shall be construed to require any employer to hire any person for the purpose of meeting a requirement to employ a specified percentage of any category of persons.

(2) To discharge or bar any person from employment because of ((~~such person's~~)) age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of ((~~such person's~~)) age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap: **PROVIDED**, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the board by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: **PROVIDED**, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 18. Section 10, chapter 37, Laws of 1957 as last amended by section 8, chapter 214, Laws 1973 1st ex. sess. and RCW 49.60.190 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(2) To expel from membership any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any member, employer, ~~((or))~~ employee, or other person, because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

Sec. 19. Section 11, chapter 37, Laws of 1957 as last amended by section 9, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.200 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, marital status, race, creed, color, or national origin, or the presence of any sensory, mental, or physical handicap, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 20. Section 12, chapter 37, Laws of 1957 and RCW 49.60.210 are each amended to read as follows:

It is an unfair practice for any employer, employment agency, ~~((or))~~ labor union, or other person to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this chapter, or because he has filed a charge, testified, or assisted in any proceeding under this chapter.

Sec. 21. Section 14, chapter 37, Laws of 1957 and RCW 49.60.215 are each amended to read as follows:

It shall be an unfair practice for any person or his agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, or national origin: PROVIDED, That it is not an unfair practice for an educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution to so act on the basis of creed.

Sec. 22. Section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225 are each amended to read as follows:

When a determination has been made under RCW 49.60.250 that an unfair practice involving real property has been committed, the ~~((board or its successor))~~ commission may, in addition to other relief authorized by RCW 49.60.250, award the complainant up to one thousand dollars for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040 and 49.60.222 through 49.60.226 as now or hereafter amended to be free from discrimination in real property transactions because of sex, marital status, race, creed, color or national origin. Enforcement of the order and appeal therefrom by the complainant or respondent shall be made as provided in RCW 49.60.260 and 49.60.270.

Sec. 23. Section 8, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.226 are each amended to read as follows:

The (~~board against discrimination or its successor~~) commission and units of local government administering ordinances with provisions similar to the real estate provisions of the human rights law (~~against discrimination~~) are authorized and directed to enter into cooperative agreements or arrangements for receiving and processing complaints so that duplication of functions shall be minimized and multiple hearings avoided. No complainant may secure relief from more than one instrumentality of state, or local government, nor shall any relief be granted by any state or local instrumentality if relief has been granted or proceedings are continuing in any federal agency, court, or instrumentality, unless such proceedings have been deferred pending state action.

Sec. 24. Section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230 are each amended to read as follows:

Who may file a complaint:

(1) Any person claiming to be aggrieved by an alleged unfair practice may, by himself or his attorney, make, sign, and file with the (~~board~~) commission a complaint in writing under oath. The complaint shall state the name and address of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the (~~board~~) commission.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the (~~board~~) commission may issue a complaint.

(3) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the (~~board~~) commission a written complaint under oath asking for assistance by conciliation or other remedial action.

Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination.

Sec. 25. Section 16, chapter 270, Laws of 1955 as amended by section 17, chapter 37, Laws of 1957 and RCW 49.60.240 are each amended to read as follows:

After the filing of any complaint, the chairman of the (~~board~~) commission shall refer it to the appropriate section of the (~~board's~~) commission's staff for prompt investigation and ascertainment of the facts. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or that there is not reasonable cause for believing that an unfair practice has been or is being committed. A copy of said findings shall be furnished to the complainant and to the person named in such complaint, hereinafter referred to as the respondent.

If the finding is made that there is reasonable cause for believing that an unfair practice has been or is being committed, the (~~board's~~) commission's staff shall immediately endeavor to eliminate the unfair practice by conference, conciliation and persuasion.

If an agreement is reached for the elimination of such unfair practice as a result of such conference, conciliation and persuasion, the agreement shall be reduced to writing and signed by the respondent, and an order shall be entered by the (~~board~~) commission setting forth the terms of said agreement. No order shall be entered by the (~~board~~) commission at this stage of the proceedings except upon such written agreement.

If no such agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the complainant and the respondent.

Sec. 26. Section 17, chapter 270, Laws of 1955 as amended by section 18, chapter 37, Laws of 1957 and RCW 49.60.250 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the (~~entire file, including the~~

~~complaint and any and all findings made, shall be certified to the chairman)) chairperson of the ((board. The chairman of the board)) commission shall thereupon appoint ((a hearing tribunal of three persons, who shall be members of the board or a panel of hearing examiners acting in the name of the board,)) an administrative law judge to hear the complaint and shall cause to be issued and served in the name of the ((board)) commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before ((such tribunal)) the named administrative law judge, at a time and place to be specified in such notice.~~

(2) The administrative law judge shall be either a person employed by the commission or other state agency as a hearing examiner or a person not regularly employed by the state but who has the qualifications established pursuant to chapter 41.06 RCW for service as a hearing examiner or administrative law judge. In carrying out duties of a judicial nature the administrative law judge shall be free from control by the executive secretary and all other employees of the commission, and by its legal counsel, and shall consult with commissioners and agency personnel only to the extent permitted by RCW 34.04.115.

(3) The chairperson shall excuse the administrative law judge and appoint a successor if, within ten days after notice of hearing is received, a party or attorney for a party files with the commission clerk an affidavit that the administrative law judge is prejudiced against the affiant so that the affiant cannot, or believes that he or she cannot, have a fair and impartial hearing before the administrative law judge: PROVIDED, That only one affidavit may be filed in one hearing by one party and the attorney or attorneys for that party.

(4) The place of any such hearing may be the office of the ((board)) commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the ((board)) commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the ((board)) commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the ((tribunal)) administrative law judge in such case, except as provided in RCW 34.04-.115. Any endeavors or negotiations for conciliation shall not be received in evidence.

(5) The respondent may file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard.

(6) The parties to the hearing shall be the commission, through its counsel presenting the case in support of the complaint, the complainant if he or she submits testimony or otherwise participates as a party as provided in subsection (4) of this section, the respondent or respondents, and any other person who is permitted to intervene or is brought into the hearing under the rules of practice of the commission.

(7) The ((tribunal)) administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(8) If, upon all the evidence, the ((tribunal)) administrative law judge finds that the respondent has engaged in any unfair practice ((it)) said judge shall state ((its)) the findings of fact and shall issue and file with the ((board)) commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the ((tribunal))

administrative law judge, guided by policies and precedents of the commission, will effectuate the purposes of this chapter, and including a requirement for report of the matter on compliance.

(9) If, upon all the evidence, the ~~((tribunal))~~ administrative law judge finds that the respondent has not engaged in any alleged unfair practice, ~~((it))~~ said judge shall state ~~((its))~~ the findings of fact and shall similarly issue and file an order dismissing the complaint.

(10) The order of the administrative law judge is the final decision of the commission unless a petition for review by the commission is served and filed as provided in section 33 of this 1977 amendatory act. It shall not be necessary to first petition for review by the commission in order to obtain review by the court under RCW 34.04.130, but if a petition for review by the commission is filed the time for commencing judicial review under RCW 34.04.130 shall begin to run from the time of the decision of the panel of the commission on review, unless the panel remands the case to the administrative law judge, in which event the agency's decision will be final when the administrative law judge issues a new order, or, if commission review of that order is petitioned for, when a decision of the panel other than to remand is issued.

(11) The ~~((board))~~ commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

Sec. 27. Section 19, chapter 37, Laws of 1957 and RCW 49.60.255 are each amended to read as follows:

If the complainant is dissatisfied with the agreement reached as provided in RCW 49.60.240, or if the finding is made as provided for in this chapter, that there is no reasonable cause for believing that an unfair practice has been or is being committed, the complainant may within thirty days of approval by the ~~((board))~~ commission of such agreement or from receipt of a copy of said finding file a petition for reconsideration by the ~~((board))~~ commission and he shall have the right to appear before the ~~((board))~~ commission at its next regular meeting in person or by counsel and present such facts, evidence and affidavits of witnesses as may support the complaint.

The ~~((board))~~ commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure.

Sec. 28. Section 21, chapter 37, Laws of 1957 as amended by section 118, chapter 81, Laws of 1971 and RCW 49.60.260 are each amended to read as follows:

(1) The ~~((board))~~ commission shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business~~(;)~~ for the enforcement of any final order which is not complied with and is issued by ~~((a tribunal under the provisions of this chapter))~~ the commission or administrative law judge under section 33 of this 1977 amendatory act and RCW 49.60.250 as now or hereafter amended, and for appropriate temporary relief or a restraining order~~(, and shall certify and file in court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the hearing tribunal. Within five days after filing such petition in court the board shall cause a notice of the petition to be sent by registered mail to all parties or their representatives))~~.

(2) ~~From the time when the petition is filed the court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to ((issue such orders and)) grant such ((relief by injunction or otherwise, including)) temporary relief~~(;)~~ or restraining order as it deems just and suitable ((and to make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part any order of the board or hearing tribunal))~~.

((2) The findings of the hearing tribunal as to the facts, if supported by substantial and competent evidence shall be conclusive. The court, upon its own motion or upon motion of either of the parties to the proceeding, may permit each party to introduce such additional evidence as the court may believe necessary to a proper decision of the cause.))

(3) If the petition and supporting affidavits show that there is a final order issued by the commission or administrative law judge under section 33 of this 1977 amendatory act or RCW 49.60.250 as now or hereafter amended and that the order has not been complied with, in whole or in part, the court shall issue an order directing the person who is alleged to have not complied with the order (hereinafter, the "respondent") to appear in court at a time designated in the order, not less than ten days from the date thereof, and show cause why the administrative order should not be enforced according to its terms. The commission shall immediately serve a copy of the order, petition and supporting affidavits, if any, on the respondent. The case shall thereafter proceed in the manner provided for summary judgments in superior court civil rule 56, as adopted May 5, 1967, and the court shall have every power it would have if the proceeding were for summary judgment under superior court civil rule 56 as adopted May 5, 1967.

(4) The respondent may show cause by answer denying the facts stated in the petition. No answering statement shall be sufficient unless it is supported by affidavits that meet the requirements of superior court civil rule 56(e) as adopted May 5, 1967.

(5) If, on the return date, the court finds that there are genuine issues of material fact, the court shall set an early date on which additional affidavits or depositions may be received, or trial shall be had.

(6) The administrative order shall be enforced by the court if the respondent does not appear, or if the respondent appears and the court finds:

(a) That the order is regular on its face;

(b) That the order has not been complied with; and

(c) That the respondent's answer discloses no valid reason why the order should not be enforced, or that the reasons given in the respondent's answer could have been raised by review under RCW 34.04.130, and the respondent has shown no valid excuse for not using that remedy.

(7) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to a review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court or the court of appeals((, and the record so certified shall contain all that was before the lower court)).

Sec. 29. Section 22, chapter 37, Laws of 1957 and RCW 49.60.270 are each amended to read as follows:

Any ((respondent or complainant)) party aggrieved by a final order of ((a hearing tribunal)) an administrative law judge or the commission may obtain a review of such order ((in the superior court for the county where the unfair practice is alleged to have occurred or in the county wherein such person resides or transacts business by filing with the clerk of the court, within two weeks from the date of receipt of such order, a written petition in duplicate praying that such order be modified or set aside. The clerk shall thereupon mail the duplicate copy to the board. The board shall then cause to be filed in the court a certified transcript of the entire record in the proceedings, including the pleadings, testimony and order. Upon such filing)) under the administrative procedure act, chapter 34.04 RCW, as now or hereafter amended. From the time when a petition for review is filed, the court shall ((proceed in the same manner as in the case of a petition by the board and shall))

have ~~((the same exclusive))~~ jurisdiction to grant to any party such temporary relief or restraining order as it deems just and suitable ~~((, and in like manner to make and enter a decree enforcing or modifying and enforcing as so modified or setting aside, in whole or in part, the order sought to be reviewed))~~.

~~((Unless otherwise directed by the court, commencement of review proceedings under this section shall operate as a stay of any order.))~~ If the court affirms the order of the commission, it shall further enter a judgment and decree enforcing the order as affirmed.

Sec. 30. Section 24, chapter 37, Laws of 1957 and RCW 49.60.290 are each amended to read as follows:

No court of this state shall have jurisdiction to issue any restraining order or temporary or permanent injunction preventing the ~~((board))~~ commission from performing any function vested in it by this chapter.

Sec. 31. Section 10, chapter 183, Laws of 1949 as last amended by section 4, chapter 100, Laws of 1961 and RCW 49.60.310 are each amended to read as follows:

Any person that wilfully resists, prevents, impedes, or interferes with the ~~((board))~~ commission or any of its members or representatives in the performance of duty under this chapter, or that wilfully violates an order of the ~~((board))~~ commission, is guilty of a misdemeanor; but procedure for the review of the order shall not be deemed to be such wilful conduct.

Sec. 32. Section 11, chapter 183, Laws of 1949 and RCW 49.60.320 are each amended to read as follows:

In any case in which the ~~((board))~~ commission shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the ~~((board))~~ commission shall transmit a copy of such order to the governor of the state who shall take such action as he deems appropriate to secure compliance with such order.

NEW SECTION. Sec. 33. There is added to chapter 49.60 RCW a new section to read as follows:

(1) Any party that is dissatisfied with an order of the administrative law judge under RCW 49.60.250 may, within fifteen days after receipt of a copy of the order, file and serve on all other parties a petition for review by the commission of the order. The petition shall specify the points to be reviewed, and shall, either in its text or in a supporting brief to be submitted with the petition or at such later time as the commission shall provide by rule, identify specifically the portions of the record which need to be examined in order to rule on the points to be reviewed. Within ten days after being served with a petition for commission review, any other party may file and serve on all other parties a cross-petition for review, in like form.

(2) The chairperson of the commission shall designate a panel of three or more members of the commission, which may include the chairperson, to conduct the review, and shall designate one of the panel members as chairperson of the panel.

(3) The panel shall examine the parts of the record specifically cited by petitioning parties. It may meet to deliberate, or members may consult with one another by telephone or in writing. The panel in its discretion may order that oral arguments be heard, but it need not do so.

(4) The panel shall issue a written order affirming or modifying the findings of fact, conclusions of law, and order of the administrative law judge, or remanding the case, in whole or in part, to the administrative law judge, with directions. The concurrence of three commissioners shall be necessary to modify or remand. If the panel is composed of less than all of the commissioners and three commissioners do not agree to affirm, modify, or remand, the chairperson of the panel shall so report to the chairperson of the commission, and to the parties, and thereupon the panel

shall be expanded to include all of the commissioners, and after the additional commissioners have likewise reviewed the case, a new vote shall be taken. If three commissioners then do not agree on a particular point, the action of the administrative law judge stands as the final action of the commission on that point.

(5) Finality of the panel's decision for purposes of the time for commencing judicial review is covered by RCW 49.60.250(10) as now or hereafter amended.

(6) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure.

NEW SECTION. Sec. 34. There is added to chapter 49.60 RCW a new section to read as follows:

Unfair practices of an employer, employment agency, or labor union or organization because of creed shall include failure to make reasonable accommodation to the religious observances or practices of an employee or prospective employee, where such accommodation can be made without undue hardship on the conduct of the business of the employer, employment agency, or labor union or organization. The burden shall be on the employer, employment agency, or labor union or organization to demonstrate that the required accommodation is or will be an undue hardship on its business.

NEW SECTION. Sec. 35. There is added to chapter 49.60 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, it shall not be an unfair practice or denial of civil rights:

(1) For a person to ascertain or record age, sex, race, creed, color, national origin, marital status or sensory, mental or physical handicap for the purpose of making reports required by agencies of the federal, state or local governments, or for the purpose of carrying out affirmative action plans required or authorized by agencies of the federal, state or local governments, if in either case the data are obtained and the records are kept in a manner required by the federal government or approved by the commission individually or by general regulation.

(2) For a person to carry out a corrective employment program, approved by the commission or its designated representative, to increase or continue the employment of members of a class of persons protected by the human rights law which has a state-wide unemployment rate that is disproportionately high in comparison with the state-wide unemployment rate of the general population, or which is underrepresented in the particular industry, occupation, or place of work affected by the plan because of discriminatory practices, customs or usages. A corrective employment program may include the kind of practices ordered by courts to remedy patterns of discrimination, but any practice which would otherwise be contrary to this chapter shall be approved only for such period of time as is necessary to correct the conditions which justify the program. Approval of a program shall be in writing and may be revoked at any time by the commission. No corrective employment program shall permit the discharge of any existing employee for purposes of implementing the program. No corrective program shall permit hiring or retaining only persons of the underrepresented class so that others are excluded from the employer's total hiring process. A corrective employment program may provide for recruiting or hiring only persons of the underrepresented class from a particular source, or at a particular time, if other applicants have access to the employer from another source, or are considered at another time, pursuant to the terms of the program.

(3) For a religious or sectarian organization which is not organized for private profit to limit hiring to or give preference to persons of the same religion or sect, or to make such selection of personnel as is calculated by the organization to promote the religious principles for which it is established or maintained, so long as the selection is made without discrimination because of age, sex, marital status, race,

color, or national origin, except to the extent required by the religious doctrine of the organization, as defined by the organization.

NEW SECTION. Sec. 36. There is added to chapter 49.60 RCW a new section to read as follows:

(1) It is the policy of the legislature:

(a) to assure that persons have full access to all federal, state, and local laws and ordinances for the protection of civil rights;

(b) to eliminate duplication of public effort in enforcing such laws and ordinances, as much as possible; and

(c) to avoid requiring persons to defend the same charge by the same person in more than one forum at one time, where this is avoidable.

(2) The courts, officers, and administrative agencies of the state of Washington and its political or civil subdivisions (all hereinafter referred to as "state forums"), are directed to observe the above policy in the conduct of their respective duties, and are specifically directed to comply with the following rules:

(a) Any state forum may take jurisdiction of any case within its subject-matter jurisdiction even though the same claim is before another state forum or federal forum, but in exercising its jurisdiction to thereafter process the case, the state forum shall apply the policy and rules of this section.

(b) If the state forum learns that the same civil rights issue, including one under a different but parallel statute, is pending in an action between the same parties in a United States court, the state forum shall thereafter stop processing the case until the United States court action is concluded as to that issue. If the United States court disposes of the civil rights issue on the merits, the state forum shall close its case. If the United States court closes its case without disposing of the civil rights issue on its merits, then the state forum may then proceed to dispose of it.

(c) If the state forum learns that the same civil right issue, including one under a different but parallel statute, is being processed by an administrative agency or officer of the United States, the state forum may proceed to process the case if it finds that the federal remedy will be substantially slower or less adequate than the state remedy. Otherwise, the state forum shall act as if the issue were before a United States court, as provided in subsection (2) of this section. Proof of the speed with which cases are being processed by a United States agency may be by affidavit, or through officially noticeable material.

(d) Among state forums, the one that first has obtained jurisdiction shall proceed with the case, and other forums, upon learning of the prior assumption of jurisdiction, shall suspend action until the first forum has concluded its action. If the first forum disposes of the civil rights issue on the merits under the same statute or ordinance or a parallel statute or ordinance, then the remaining forums shall close their cases. If the first forum closes its case without disposing of a civil rights issue on the merits under the same statute or ordinance, or a parallel statute or ordinance, then the second and following forums may proceed, one at a time, in like manner.

(e) Nothing in this section shall prevent state forums from processing cases jointly or cooperatively with each other or with United States officers or administrative agencies, so long as the policy of this section is observed. State forums may decline to exercise jurisdiction in order to let another forum act.

(f) A person who has complaints pending in more than one forum shall have the right to withdraw such complaint in any forum in order to have another forum exercise jurisdiction.

(g) An administrative finding of "no reasonable cause" under RCW 49.60.240 or comparable statute or ordinance shall not be considered to be a disposition of the case on the merits for purposes of this section. An agreed order under RCW 49.60.240 or comparable statute or ordinance shall be a disposition of the case on the merits for those who have signed the agreement, but shall not be a disposition of the

case on the merits for the complainant unless the complainant has signed the agreement or has accepted the benefits of the agreement or order."

In the title, strike everything after "discrimination" and insert "; amending section 43.01.100, chapter 8, Laws of 1965 and RCW 43.01.100; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.010; amending section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040; amending section 3, chapter 270, Laws of 1955 and RCW 49.60.060; amending section 4, chapter 270, Laws of 1955 as amended by section 145, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.070; amending section 5, chapter 270, Laws of 1955 and RCW 49.60.080; amending section 6, chapter 270, Laws of 1955 as amended by section 6, chapter 37, Laws of 1957 and RCW 49.60.090; amending section 7, chapter 270, Laws of 1955 as amended by section 74, chapter 75, Laws of 1977 and RCW 49.60.100; amending section 5, chapter 183, Laws of 1949 and RCW 49.60.110; amending section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as last amended by section 146, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.130; amending section 10, chapter 270, Laws of 1955 and RCW 49.60.140; amending section 11, chapter 270, Laws of 1955 and RCW 49.60.150; amending section 12, chapter 270, Laws of 1955 and RCW 49.60.160; amending section 13, chapter 270, Laws of 1955 and RCW 49.60.170; amending section 9, chapter 37, Laws of 1957 as last amended by section 6, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 8, chapter 214, Laws 1973 1st ex. sess. and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as last amended by section 9, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.200; amending section 12, chapter 37, Laws of 1957 and RCW 49.60.210; amending section 14, chapter 37, Laws of 1957 and RCW 49.60.215; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; amending section 8, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.226; amending section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230; amending section 16, chapter 270, Laws of 1955 as amended by section 17, chapter 37, Laws of 1957 and RCW 49.60.240; amending section 17, chapter 270, Laws of 1955 as amended by section 18, chapter 37, Laws of 1957 and RCW 49.60.250; amending section 19, chapter 37, Laws of 1957 and RCW 49.60.255; amending section 21, chapter 37, Laws of 1957 as amended by section 118, chapter 81, Laws of 1971 and RCW 49.60.260; amending section 22, chapter 37, Laws of 1957 and RCW 49.60.270; amending section 24, chapter 37, Laws of 1957 and RCW 49.60.290; amending section 10, chapter 183, Laws of 1949 as last amended by section 4, chapter 100, Laws of 1961 and RCW 49.60.310; amending section 11, chapter 183, Laws of 1949 and RCW 49.60.320; and adding new sections to chapter 49.60 RCW."

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Van Hollebeke, Woody.

The bill was read the second time by sections.

Senator Marsh moved adoption of the committee amendment.

Senator Day moved adoption of the following amendment to the committee amendment:

On page 2, line 33, after "discrimination" insert "including the utilization on an equal participation basis of the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW, except for prepaid group practice plans"

Senator Day served notice that he would demand a roll call at the proper time on the amendment by Senator Day to the committee amendment.

POINT OF ORDER

Senator Walgren: "Mr. President, I raise the question of scope and object on this amendment. Mr. President and members of the Senate, the bill that we have before us is one relating directly to a question of discrimination as it relates to commerce, relates to entirely different sections. As Senator Day has already explained, his amendment is concerning a question of health care contractors, an entirely different subject than what is contemplated in the bill that is before us, totally beyond the object of this particular measure by trying to bring in the question of health care contractors."

Debate ensued.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 798, together with the pending committee amendment and the amendment by Senator Day to the committee amendment and the Point of Order raised by Senator Walgren, was made a special order of business for 1:45 p.m. today.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 395.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 395, by Committee on Appropriations (originally sponsored by Representatives Shinpoch, Charette, Polk, Blair and Knedlik):

Revising the procedures for processing claims against the state.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 395, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Voting nay: Senator Grant—1.

Absent or not voting: Senator Gaspard—1.

Excused: Senators Bottiger, Francis, Lewis, Wojahn, Woody—5.

SUBSTITUTE HOUSE BILL NO. 395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 753, by Representative Knowles:

Authorizing sewer district removal of pollutants from nearby waters.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 753 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 753, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Absent or not voting: Senators Bullington, Gaspard—2.

Excused: Senators Francis, Lewis, Wojahn, Woody—4.

ENGROSSED HOUSE BILL NO. 753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 472, by Committee on Higher Education (originally sponsored by Representatives Erickson, Moreau, Vrooman, Becker, Hughes, Grier, Pardini, Knowles, McCormick, Deccio, Berentson, Chandler, Bond and May):

Designating regional universities.

REPORT OF STANDING COMMITTEE

May 6, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 472, designating regional universities (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 6, beginning on line 7, strike all of section 2 and insert:

"NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.35 RCW a new section to read as follows:

The primary purposes of the regional universities shall be to offer undergraduate and graduate education programs through the master's degree, including programs of a practical and applied nature, directed to the educational and professional needs of the residents of the regions they serve; to act as receiving institutions for transferring community college students; and to provide extended occupational and complementary studies programs that continue or are otherwise integrated with the educational services of the region's community colleges.

No college shall be eligible for designation as a regional university until it has been in operation for at least twenty years and has been authorized to offer master's degree programs in more than three fields."

Signed by: Senators Odegaard, Chairman; Goltz, Guess, Sandison, Scott.

The bill was read the second time by sections.

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

On motion of Senator Goltz, the rules were suspended, Engrossed Substitute House Bill No. 472, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 472, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; excused, 4.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—36.

Voting nay: Senators Benitz, Clarke, Hayner, Jones, McDermott, Newschwander, North, Van Hollebeke—8.

Excused: Senators Francis, Lewis, Wojahn, Woody—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 472, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 921, by Representatives Schmitt, Clayton, Fancher, Conner, Whiteside, Oliver, Struthers, Tilly and Hansen:

Providing that fork lifts shall be exceptions to certain requirements for motor vehicles.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, House Bill No. 921 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 921, and the bill passed the Senate by the following vote: Yeas, 44; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Excused: Senators Francis, Lewis, Wojahn, Woody—4.

HOUSE BILL NO. 921, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Substitute Senate Bill No. 2082.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 2082, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

May 19, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 2082 as amended by the House, establishing procedures for abolishing state agencies, have had the same under consideration, and we report that we cannot agree and request powers of Free Conference in order to recommend the following: That the House amendment be adopted with the following amendments:

On page 8, line 32 of the House amendment, strike all of subsection (b) and reletter the remaining subsections consecutively.

On page 9, beginning on line 1 of the House amendment, after "board" insert a period and strike all material down to and including "RCW)." on line 3.

On page 9, line 21 of the House amendment, after "14" strike ", 16, and 17" and insert "and 16"

Beginning on page 10, line 36 of the House amendment, strike all of subsections (25) through (36) down to and including line 15, page 11, and renumber the remaining subsections consecutively.

Beginning on page 13, line 20 of the House amendment, strike all of section 17, down through line 16, page 15, and renumber the remaining sections consecutively.

Amend the title—On page 16 of the House amendment, beginning on line 36, after "RCW 18.28.910;" strike all material down to and including "RCW 18.50-.900;" on page 17, line 8.

Amend the title—On page 18 of the House amendment, beginning on line 31, after "RCW 88.04.280;" strike all material down to and including "RCW 19.09-.910;" on page 20, line 10.

Signed by: Senators Gould and Wilson; Representatives Ehlers, Taller and Walk.

MOTION

On motion of Senator Wilson, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTIONS

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

Senator Marsh moved the Senate commence consideration of Substitute House Bill No. 153.

On motion of Senator Wilson, Substitute House Bill No. 153 was ordered held down one bill on the calendar.

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

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 2383**, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt (~~and promulgate~~) rules (~~and regulations~~), consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis (~~for~~) and procedures to be followed for(~~:~~):

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six months and rejections therein;

(6) Transfers;

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives(~~:~~): PROVIDED, That after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment shall constitute cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union sponsored insurance

programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member;

(12) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan;

(16) Adoption and revision of a state salary schedule to reflect ((not less than)) the prevailing rates in Washington state private industries and other governmental units ((for positions of a similar nature)), such adoption and revision subject to approval by the ((state budget)) director of the office of program planning and fiscal management in accordance with the provisions of chapter 43.88 RCW;

(17) Training programs, including in-service, promotional and supervisory;

(18) ((regular)) Increment increases within the series of steps for each pay grade(;) based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Sec. 2. Section 16, chapter 1, Laws of 1961 and RCW 41.06.160 are each amended to read as follows:

In ((adopting or revising)) preparing classification and salary schedules as set forth in RCW 41.06.150 as now or hereafter amended the ((board)) department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state ((and)). For this purpose the department shall ((have made periodic wage)) undertake salary and fringe benefit surveys to be planned and conducted on a joint basis with the higher education personnel board, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature(;). The results of ((such wage)) each salary and fringe benefit survey ((to)) shall be forwarded with a recommended state salary

schedule to the governor and ((state budget)) director of the office of program planning and fiscal management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.

The department shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with:

(a) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(b) Those department of personnel classes which are substantially the same as classes being used by the higher education personnel board clearly marked to show the commonality of the classes between the two jurisdictions;

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel. Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

NEW SECTION. Sec. 3. There is added to chapter 41.06 RCW a new section to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 41.06.160 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of program planning and fiscal management, employee organizations, the standing committees for appropriations of the senate

and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the department of personnel in conjunction with the higher education personnel board established under chapter 28B.16 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education personnel board. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(3) Interim or special surveys conducted under RCW 41.06.160 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate.

NEW SECTION. Sec. 4. There is added to chapter 41.06 RCW a new section to read as follows:

Salary surveys shall be conducted according to the following criteria in addition to any other provisions under this chapter:

(1) Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys; and

(2) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparisons of survey data to individual state job classes.

NEW SECTION. Sec. 5. There is added to chapter 41.06 RCW a new section to read as follows:

The department of personnel shall undertake salary and fringe benefit surveys for officers of the Washington state patrol, with one survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of each such survey shall be forwarded, after review and concurrence by the chief of the Washington state patrol, to the governor and director of the office of program planning and fiscal management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the legislative budget committee and the standing committees for appropriations of the senate and house of representatives. The office of program planning and fiscal management shall analyze the survey results and conduct investigations which may be necessary to arbitrate differences between interested parties regarding the accuracy of collected survey data and the use of such data for salary adjustment.

Surveys conducted by the department of personnel for the Washington state patrol shall be undertaken in a manner consistent with statistically accurate sampling techniques, including comparisons of weighted averages of salaries. This service performed by the department of personnel shall be on a reimbursable basis in accordance with the provisions of RCW 41.06.080 as now existing or hereafter amended.

A comprehensive salary and fringe benefits survey plan shall be submitted jointly by the department of personnel and the Washington state patrol to the director of the office of program planning and fiscal management, the committee on ways and means of the senate, the committee on appropriations of the house of representatives and to the legislative budget committee six months before the beginning of each periodic survey. The legislative budget committee shall review and evaluate the survey plan before final implementation.

NEW SECTION. Sec. 6. There is added to chapter 41.06 RCW a new section to read as follows:

After consultation with state agency heads, employee organizations, and other interested parties, the state personnel director shall develop standardized employee performance evaluation procedures and forms which shall be used by state agencies for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual agencies may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. Performance evaluation procedures shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling state agency and job objectives. A standardized performance evaluation procedure shall be instituted not later than July 1, 1978, for all employees.

NEW SECTION. Sec. 7. Section 9, chapter 1, Laws of 1961 and RCW 41.06.090 are each repealed.

Sec. 8. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100 are each amended to read as follows:

((+)) The higher education personnel board shall adopt ((and promulgate)) rules ((and regulations)), consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis ((for;)) and procedures to be followed for((-));

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(3) Examination for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Probationary periods of six months and rejections therein;

(6) Transfers(:-);

(7) Sick leaves and vacations;

(8) Hours of work;

(9) Layoffs when necessary and subsequent reemployment, both according to seniority;

(10) Determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(11) Certification and decertification of exclusive bargaining representatives(:-): PROVIDED, That after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment shall constitute cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member;

(12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;

(13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties;

(14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(15) Allocation and reallocation of positions within the classification plan; ((training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of

service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and))

(16) Adoption and revision of salary schedules and compensation plans which reflect ((not less than)) the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of the office of program planning and fiscal management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;

(17) Training programs including in-service, promotional, and supervisory;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and

(19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

~~((2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:~~

- ~~(a) Appointment, promotion, and transfer of employees;~~
- ~~(b) Dismissal, suspension, or demotion of an employee;~~
- ~~(c) Examinations for all positions in the competitive and noncompetitive service;~~
- ~~(d) Probationary periods of six months and rejections therein;~~
- ~~(e) Sick leaves and vacations;~~
- ~~(f) Hours of work;~~
- ~~(g) Layoffs when necessary and subsequent reemployment;~~
- ~~(h) Allocation and reallocation of positions with the classification plans;~~
- ~~(i) Training programs;~~
- ~~(j) Maintenance of personnel records;))~~

NEW SECTION. Sec. 9. There is added to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

Rules adopted by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (1) Appointment, promotion, and transfer of employees;
- (2) Dismissal, suspension, or demotion of an employee;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Probationary periods of six months and rejections therein;
- (5) Sick leaves and vacations;
- (6) Hours of work;
- (7) Layoffs when necessary and subsequent reemployment;
- (8) Allocation and reallocation of positions within the classification plans;
- (9) Training programs; and
- (10) Maintenance of personnel records.

Sec. 10. Section 11, chapter 36, Laws of 1969 ex. sess. as amended by section 2, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.110 are each amended to read as follows:

The salary schedules and compensation plans, adopted and revised as provided in RCW 28B.16.100 as now or hereafter amended, shall reflect ((not less than)) prevailing rates in other public employment and in private ((industries and other governmental units for positions of a similar nature)) employment in this state or in the locality in which the institution or related board is located. For this purpose ((periodic wage)) salary and fringe benefit surveys shall be undertaken by the board with the assistance of the various personnel officers of the institutions of higher education and on a joint basis with the department of personnel, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of such ((wage)) salary and fringe benefit survey shall be forwarded with recommended salary adjustments, which recommendations shall be advisory only, to the governor and the director of the office of program planning and fiscal management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the board to the standing committees for appropriations of the senate and house of representatives.

The board shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the higher education personnel board with:

(a) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(b) Those higher education personnel board classes which are substantially the same as classes being used by the department of personnel clearly marked to show the commonality of the classes between the two jurisdictions;

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the board. Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

NEW SECTION. Sec. 11. There is added to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 28B.16.110 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of program planning and fiscal management, employee organizations, the standing committees for appropriations in the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the higher education personnel board in conjunction with the department of personnel established under chapter 41.06 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted

on a joint signature basis by the higher education personnel board and the department of personnel. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(3) Interim or special surveys conducted under RCW 28B.16.110 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate.

NEW SECTION. Sec. 12. There is added to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

Salary surveys shall be conducted according to the following criteria in addition to any other provisions under this chapter:

(1) Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys; and

(2) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparisons of survey data to individual state job classes.

NEW SECTION. Sec. 13. There is added to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW a new section to read as follows:

After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher learning for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. A standardized performance evaluation procedure shall be instituted not later than July 1, 1978, for all employees.

NEW SECTION. Sec. 14. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Odegaard moved the Senate do concur in the House amendment to Substitute Senate Bill No. 2383.

Debate ensued.

POINT OF INQUIRY

Senator Talley: "I wonder if Senator Odegaard would yield to a question? Is there anything in this bill that provides for any merit increases or anything like that?"

Senator Odegaard: "No, that was in the original bill that had been introduced in both Houses, but that was taken out by committee action even before it passed either House, so that is not in this bill."

Senator Talley: "Thank you."

MOTION

On motion of Senator Mardesich, the House Message on Substitute Senate Bill No. 2383, together with the motion by Senator Odegaard that the Senate do concur in the House amendment, was ordered held for May 25, 1977.

The Senate resumed consideration of the House Message on Engrossed Senate Bill No. 2451, and the House amendments thereto.

Earlier today, Senator Rasmussen moved the Senate do concur in the House amendments.

There being no objection, on motion of Senator Rasmussen, the motion to concur was withdrawn.

MOTION

On motion of Senator Rasmussen, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2451, and asks the House to recede therefrom.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 153, by Committee on Local Government (originally sponsored by Representatives Gallagher, Pearsall, Grier and Wilson):

Revising the law on public works contracts.

REPORT OF STANDING COMMITTEE

April 7, 1977.

SUBSTITUTE HOUSE BILL NO. 153, revising the law on public works contracts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 19, after "to" strike everything down to and including "personnel" on line 20 and insert "that portion of any contract in which a manufacturer's warranty on equipment is contingent upon the manufacturer's use of his own factory-trained personnel for installation or repair which places such equipment under warranty"

Signed by: Senators Wilson, Chairman; North, Sellar, Talley.

The bill was read the second time by sections.

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

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 153, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 153, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senator Mardesich—1.

Absent or not voting: Senator Matson—1.

Excused: Senators Francis, Lewis, Wojahn, Woody—4.

SUBSTITUTE HOUSE BILL NO. 153, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 313, by Representatives Knowles, Haley, McKibbin and Vrooman:

Relieving from liability hospitals and certain professionals for withdrawing blood when so directed by law enforcement officer pursuant to implied consent law.

The bill was read the second time by sections.

On motion of Senator Buffington, the rules were suspended, House Bill No. 313 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 313, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Voting nay: Senators Grant, Pullen, Van Hollebeke—3.

Excused: Senators Francis, Lewis, Wojahn, Woody—4.

HOUSE BILL NO. 313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:30 a.m., on motion of Senator Marsh, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

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

REPORTS OF STANDING COMMITTEES

May 23, 1977.

SENATE BILL NO. 2703, relating to state government (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2703 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Clarke, Grant, Jones, Morrison, Murray, Newschwander, Rasmussen, Ridder, Sandison, Walgren, Washington, Woody.

Passed to Committee on Rules for second reading.

May 23, 1977.

SUBSTITUTE HOUSE BILL NO. 728, modifying laws relating to collection of property taxes and the sale of property acquired for nonpayment of taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odgaard, Vice Chairman; Clarke, Jones, Matson, Morrison, Murray, Newschwander, Ridder, Scott, Washington.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2114,
 SENATE BILL NO. 2211,
 SENATE BILL NO. 2241,
 SUBSTITUTE SENATE BILL NO. 2244,
 SENATE BILL NO. 2273,
 SENATE BILL NO. 2310,
 SUBSTITUTE SENATE BILL NO. 2356,
 SENATE BILL NO. 2444,
 SENATE BILL NO. 2485,
 SUBSTITUTE SENATE BILL NO. 2593,
 SUBSTITUTE SENATE BILL NO. 2634,
 SUBSTITUTE SENATE BILL NO. 2638,
 SENATE BILL NO. 2675,
 SENATE BILL NO. 2747,
 SUBSTITUTE SENATE BILL NO. 2851,
 SUBSTITUTE SENATE BILL NO. 2924,
 SUBSTITUTE SENATE BILL NO. 2975,
 SUBSTITUTE SENATE BILL NO. 3098.

SPECIAL ORDER OF BUSINESS

SECOND READING

SUBSTITUTE HOUSE BILL NO. 798, by Committee on Commerce (originally sponsored by Representative O'Brien):

Expanding the right to be free from discrimination.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 798. Earlier today, a committee amendment had been moved for adoption. Senator Day had moved adoption of the following amendment to the committee amendment and a Point of Order had been raised by Senator Walgren on the amendment to the committee amendment by Senator Day:

On page 2, line 33, after "discrimination" insert "including the utilization on an equal participation basis of the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW, except for prepaid group practice plans"

RULING BY THE PRESIDENT

President Cherberg: "Senator Walgren, the President believes that your point of order relates directly to Substitute House Bill 798. Therefore, the President further believes it is untimely to rule upon your point of order until such time as the amendment to the committee amendment is adopted and the committee amendment as amended is before the Senate for consideration—or not adopted."

POINT OF ORDER

Senator Clarke: "This time I would like to raise the point of order that the entire committee amendment is beyond the scope and object of the bill as originally introduced.

"Substitute House Bill 798 is titled 'An Act Relating to freedom from discrimination in commerce'. The subject matter of the bill is to add discriminatory boycotts by foreign governments to the list of prohibited acts constituting civil rights violation under RCW 49.60. The committee amendment would add on Senate Bill 2482 which is entitled, 'An Act Relating to civil rights law,' and constitutes a substantial rewrite of the human rights law.

"The subject matter of Senate Bill 2482 is far beyond that covered in Substitute House Bill 798 and includes the addition of new functions of the human rights commission, allowance for additional holidays and establishment of a new hearing system.

"The committee attempts to solve the scope and object problem by amending the title to strike 'in commerce'. This clearly indicates the committee felt the amendment was beyond the scope and object of the title of the original discriminatory boycott bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order as raised by Senator Clarke, the President finds that Substitute House Bill 798 is a measure which expands the right to be free from discrimination in commerce and relates specifically to discriminatory boycotts or blacklists.

"The amendment proposed by the committee on judiciary is, in effect, an omnibus measure which makes a wide variety of alterations in the law against discrimination as well as a number of procedural changes affecting the human rights commission."

"The President believes therefore that the remarks of Senator Clarke are well taken, that the proposed amendment does expand the scope and object of the bill, and the point of order is well taken."

The committee amendment was ruled out of order.

MOTIONS

Senator Walgren moved that Substitute House Bill No. 798 hold its place on the second reading calendar for May 25, 1977.

On motion of Senator Day, Substitute House Bill No. 798 was made a special order of business for May 25, 1977.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Second Substitute House Bill No. 24.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 24, by Committee on Revenue (originally sponsored by Representatives Gaines, Greengo, Warnke, Valle, Leckenby, Dunlap and Sanders):

Authorizing a deduction for value of certain products added by minor final assembly from the business and occupation tax.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Second Substitute House Bill No. 24 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 24, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 4; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Voting nay: Senator Woody—1.

Absent or not voting: Senators Bausch, Bottiger, Mardesich, Talley—4.

Excused: Senators Francis, Lewis, Wojahn—3.

SECOND SUBSTITUTE HOUSE BILL NO. 24, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Concurrent Resolution No. 32.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 32, by Representatives King and Berentson:

Adopting joint rules for the Forty-fifth legislature.

The Senate resumed consideration of House Concurrent Resolution No. 32, as amended on May 18, 1977, also on May 20, 1977. At that time, two amendments by Senator Mardesich to page 8, lines 20 and 21, had been moved for adoption.

There being no objection, on motion of Senator Mardesich, the amendments were withdrawn.

Senator Clarke moved adoption of the following amendment by Senators Mardesich and Clarke:

On page 8, beginning on line 18, strike Rule 8 and insert:

"RULE 8. The presiding officer of each house shall appoint on ((such)) each conference committee three members, selecting them so as to represent, in each case,

~~((the attitude of))~~ the majority and minority political parties and to the extent possible the majority and minority positions as relates to the subject matter, upon the differences between the houses."

Debate ensued.

REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President and members of the Senate, I think this is an important amendment, and I think it is one that we should look at carefully because it does, in fact, define for a conference committee, or it clarifies a question but it clarifies it improperly, I think.

"It says that a conference committee, if I read it correctly, shall be made up of members of the majority and minority political parties first of all, representatives of the majority and minority political parties, first of all. Secondly then the majority and minority position. I think it has been traditional, and I think rightly so, that the positions with regard to a particular item be given primary consideration. As I read the amendment, you are changing that.

"You are saying, as I read it, that the majority party will have two members of a conference committee and a minority party will have one. In almost every instance that will be the situation without regard, without regard to how members may have voted on that subject.

"The second consideration is the consideration of the position on the issue. I should think the primary consideration would be how a member felt upon an issue rather than the political concern or the political party identification that oftentimes becomes somewhat blurred.

"If I am reading this incorrectly I would like someone to explain to me otherwise, but it seems to me you have prioritized a method for selection of conference committees and given the priorities, as I have described them here. I should think that the members would want to read this very carefully before acting on it."

PARLIAMENTARY INQUIRY

Senator Mardesich: "Mr. President, the other day when we were considering this matter, you commented from the podium, and I believe if I am not mistaken, you said that this was the interpretation which you had placed on the rule in the past and were trying to incorporate into the rule the historical interpretation of that rule. If I am correct or incorrect would you straighten me out?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes you are correct, Senator Mardesich."

Further debate ensued.

Senator Rasmussen moved adoption of the following amendment to the amendment by Senators Mardesich and Clarke:

On line 3 of the amendment to Page 8, line 18, after "case," insert "to the extent possible" and on line 4, after "parties and" strike "to the extent possible"

Debate ensued.

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

Senator Grant moved adoption of the following amendment:

On page 8, beginning on line 18, strike Rule 8 and insert:

"RULE 8. The presiding officer of each house shall appoint on ~~((such))~~ each conference committee three members, selecting them so as to represent, in each case,

((the attitude of)) the majority and minority positions as relates to the subject matter and to the extent possible the majority and minority political parties, upon the differences between the houses."

POINT OF ORDER

Senator Clarke: "It is in substance exactly the proposed amendment that the body just rejected."

REPLY BY THE PRESIDENT

President Cherberg: "Your amendment is still before the body, Senator Clarke."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I appreciate that. My point was however, that if, in substance, the proposed amendment whether it be an amendment or amendment to the amendment has exactly the same result as what the body has just acted upon, then it is not in order. I am told that there is a slight difference and perhaps Senator Grant can point that out to me."

RULING BY THE PRESIDENT

President Cherberg: "The President believes in order to settle this particular situation that the Senate should act upon Senator Mardesich and Senator Clarke's amendment first, and depending on the outcome of that action, then will determine whether or not Senator Grant's amendment will be considered."

The President declared the question before the Senate to be the amendment by Senators Mardesich and Clarke.

The motion by Senator Clarke failed and the amendment was not adopted on a rising vote.

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

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

On page 8, line 17, strike "HOW MADE UP" and insert "CONFERENCE COMMITTEE APPOINTEES"

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

President Pro Tempore Henry assumed the Chair.

MOTIONS

On motion of Senator Odegaard, Senator Day was excused.

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 1133.

SECOND READING

ENGROSSED HOUSE BILL NO. 1133, by Representatives Conner, Kilbury, Gallagher, Knowles, McCormick, Hanna, Grier, Struthers, Fuller and Gaines:
Authorizing certain golfing sweepstakes under gambling acts.

REPORT OF STANDING COMMITTEE

May 5, 1977.

ENGROSSED HOUSE BILL NO. 1133, authorizing certain golfing sweepstakes under gambling act (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

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

"Section 1. Section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.020 are each amended to read as follows:

(1) "Amusement game" means a game played for entertainment in which:

(a) The contestant actively participates;

(b) The outcome depends in a material degree upon the skill of the contestant;

(c) Only merchandise prizes are awarded;

(d) The outcome is not in the control of the operator;

(e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and

(f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence,

famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

~~((6))~~ (7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

~~((7))~~ (8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

~~((8))~~ (9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection ~~((13))~~ (14) of this section shall not constitute gambling.

~~((9))~~ (10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of

winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

((+0)) (11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

((+1)) (12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

((+2)) (13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

((+3)) (14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state

retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet; or

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(15) "Member". As used in this chapter, member means a member of an organization eligible to be licensed by the commission under this chapter, or a member of an organization which is an auxiliary of such an eligible organization, or a member of an organization of which the eligible organization is an auxiliary, or a member of an organization which is affiliated with the eligible organization by being with it auxiliary to another organization.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

~~((+4))~~ (16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "book-making" as defined in this section is not a "player".

~~((+5))~~ (17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection ~~((+3))~~ (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the

creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

((+6)) (18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

((+7)) (19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or non-profit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

((+8)) (20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing: PROVIDED, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the commission pursuant to RCW 9.46.070; and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

((+9)) (21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise,

directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

~~((20))~~ (22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any three consecutive days and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than one calendar day by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed five thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Sec. 2. Section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by only members and guests (~~only~~) to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended; PROVIDED, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together does not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association, or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to "win", "place" or "show" and those holding tickets on the three winners may receive a pay-off similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the score of such participants, and those participants attaining such stated number of

points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(7) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(8) The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping or matching of coins on the premises of an establishment in the business of selling food or beverage for consumption on the premises to determine who will pay for certain items of food, beverage, or music served or provided on that day by that establishment. Such establishments are hereby authorized to possess dice and dice cups on their premises but only for use in such limited wagering.

(9) (a) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(18)(a), (b), (c), and (d); and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED, That this subparagraph (ii) shall not preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

(10) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a trade stimulus a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money and which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize: PROVIDED, That any and all sums collected by the establishment from the sale of the tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to the benefit of the establishment.

The penalties provided for professional gambling in this chapter shall not apply to sports pools as described in ~~((this))~~ subsection (7) of this section, the wagering described in subsection (8) of this section, social card games, bingo games, raffles, fund raising events, punch boards, pull-tabs, ~~((or))~~ amusement games, or to the use of facilities of a bona fide charitable or nonprofit organization for social card games or dice games, when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 3. Section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games~~((+))~~, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: **PROVIDED**, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: **PROVIDED FURTHER**, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: **AND PROVIDED FURTHER**, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To require that applications for all licenses contain such information as may be required by the commission: **PROVIDED**, That all persons having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: **PROVIDED FURTHER**, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

(7) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(8) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(9) To regulate and establish maximum limitations on income derived from bingo: **PROVIDED**, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character, and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the

percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(10) To regulate and establish the type and scope of and manner of conducting ((social card games permitted to be played, and)) the gambling activities authorized by RCW 9.46.030, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in ((a social card game)) any such activities;

(11) To regulate and establish a reasonable admission fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become a player in a social card game. A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter;

(12) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

(15) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations or card rooms and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments.

In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(16) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(17) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; ~~((and))~~

(18) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter; and

~~((+6))~~ (19) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 4. Section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.080 are each amended to read as follows:

The ~~((department of motor vehicles, subject to the approval of the))~~ commission~~((:))~~ shall employ a full time ~~((employee as))~~ director ~~((respecting gambling activities))~~, who shall be the administrator for the commission in carrying out its powers and duties and who~~((, with the advice and approval of the commission))~~ shall issue rules and regulations adopted by the commission governing the activities authorized hereunder and shall supervise ~~((departmental))~~ commission employees in carrying out the purposes and provisions of this chapter. In addition, the ~~((department))~~ director shall ~~((furnish))~~ employ two assistant directors, together with such investigators and enforcement officers and ~~((with))~~ such ~~((of its administrative services and))~~ staff as ~~((are))~~ the commission determines is necessary to carry out the purposes and provisions of this chapter. The director, both assistant directors, and personnel occupying positions requiring the performing of undercover investigative work shall be exempt from the provisions of chapter 41.06 RCW, as now law or hereafter amended. Neither the director nor any ~~((departmental))~~ commission employee working therefor shall be an officer or manager of any bona fide charitable or bona fide nonprofit organization, or of any organization which conducts gambling activity in this state.

The director, subject to the approval of the commission, is authorized to enter into agreements on behalf of the commission for mutual assistance and services, based upon actual costs, with any state or federal agency or with any city, town, or county, and such state or local agency is authorized to enter into such an agreement with the commission. If a needed service is not available from another agency of state government within a reasonable time, the director may obtain that service from private industry.

Sec. 5. Section 10, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and ~~((such employees of the department of motor vehicles as are working therefor,))~~ other commission employees shall be paid from the gambling revolving fund.

Sec. 6. Section 1, chapter 87, Laws of 1975--76 2nd ex. sess. and RCW 9.46.115 are each amended to read as follows:

(1) In addition to any other fees and taxes imposed by this chapter, or by commission rule, there is hereby imposed a special tax to be paid by every person who

maintains for use or permits the use of, on any place or premises occupied by him a coin-operated gaming device which is subject to the federal tax on coin-operated devices imposed by section 4461 of the Internal Revenue Code (79 Stat. 148; 26 U.S.C. Sec. 4461), as amended and in effect on March 11, 1976 and any subsequent amendments thereto. The amount of such tax shall be equal to eighty percent of the amount of the tax required to be paid to the federal government pursuant to section 4461 of the Internal Revenue Code (79 Stat. 148; 26 U.S.C. Sec. 4461), as amended and in effect on March 11, 1976 and any subsequent amendments thereto: **PROVIDED**, That such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the Internal Revenue Code (85 Stat. 534, 26 U.S.C. Sec. 4464), as amended and in effect on March 11, 1976 and any subsequent amendments thereto.

This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the Internal Revenue Code (79 Stat. 149; 26 U.S.C. Sec. 4462), as amended and in effect on March 11, 1976 and any amendments thereto.

(2) The tax established in subsection (1) of this section shall be payable to the commission on or before June 20 of each year in advance of the following fiscal year, July 1 through June 30, pursuant to rules and regulations adopted by the commission. Payment of any tax due shall be a condition precedent to the issuance or renewal of any license of any nature by the commission to the taxpayer. The tax shall apply to each such device so maintained or permitted at any time during the year and no such device shall be placed out for public play unless and until the tax due respecting it has first been paid: **PROVIDED**, That a replacement for such a device removed from play shall not be deemed an additional device for that year. Proceeds from the tax shall be deposited in the gambling revolving fund and used by the commission for its expenses of administering this chapter.

The commission shall ~~((issue a stamp showing that the tax has been paid which shall be affixed to the coin-operated gaming device prior to being placed out for public play))~~ adopt rules setting out the procedure for collection of the tax and for the administration of this section.

(3) The tax imposed by subsection (1) of this section shall be in addition to any tax imposed upon such coin-operated gaming devices, or the income therefrom, by any municipal corporation or political subdivision of the state.

(4) Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 7. Section 14, chapter 218, Laws of 1973 1st ex. sess. as amended by section 8, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.140 are each amended to read as follows:

~~((For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may))~~ (1) The commission or its authorized representative may:

(a) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder; and

(b) Inspect the books, documents, and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with the provisions of this chapter or the rules and regulations adopted pursuant thereto. ~~((The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105.))~~

(2) For the purpose of any investigation or proceeding under this chapter, the commission or any officer designated by rule may conduct hearings, administer oaths or affirmations, or upon the commission's or officer's motion or upon request of any party may subpoena witnesses, compel attendance, take depositions, take evidence, or require the production of any matter which is relevant to the investigation or proceeding, including but not limited to the existence, description, nature, custody, condition, or location of any books, documents, or other tangible things, or the identity or location of persons having knowledge or relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

(3) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

(4) The commission may appoint hearing officers to conduct hearings respecting the suspension, revocation, or denial of licenses, who may administer oaths, admit or deny admission of evidence, compel the attendance of witnesses, issue subpoenas, issue orders, and exercise all other powers and perform all other functions set out in RCW 34.04.090 (6) and (8), 34.04.100 and 34.04.105. The salaries and expenses of such hearing officers may be paid from any revenues available to the commission.

(5) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 8. Section 18, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.180 are each amended to read as follows:

Any person who knowingly causes, aids, abets, or conspires with another to cause any ~~((association or organization))~~ person to violate any provision of this chapter ~~((or of any rule or regulation adopted pursuant to this chapter))~~ shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or a fine of not more than one hundred thousand dollars, or both.

NEW SECTION. Sec. 9. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

Sec. 10. Section 19, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.190 are each amended to read as follows:

Any person or association or organization operating any gambling activity ~~((authorized under RCW 9.46.030.))~~ who or which, directly or indirectly, shall in the course of such operation:

- (1) Employ any device, scheme, or artifice to defraud; or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

NEW SECTION. Sec. 11. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Every city or town is authorized to enact as an ordinance of that city or town any or all of the sections of this chapter the violation of which constitutes a misdemeanor or gross misdemeanor. The city or town may not modify the language of any section of this chapter in enacting such section except as necessary to put the section in the proper form of an ordinance or to provide for a sentence to be served in the appropriate detention facility. The ordinance must provide for the same maximum penalty for its violation as may be imposed under the section in this chapter.

NEW SECTION. Sec. 12. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

District courts operating under the provisions of chapters 3.30 through 3.74 RCW, except municipal departments of such courts operating under chapter 3.46 RCW and municipal courts operating under chapter 3.50 RCW, shall have concurrent jurisdiction with the superior court to hear, try, and determine misdemeanor and gross misdemeanor violations of this chapter and violations of any ordinance passed under authority of this chapter by any city or town.

Municipal courts operating under chapters 35.20 or 3.50 RCW and municipal departments of the district court operating under chapter 3.46 RCW, shall have concurrent jurisdiction with the superior court to hear, try, and determine violations of any ordinance passed under authority of this chapter by the city or town in which the court is located.

Notwithstanding any other provision of law, each of these courts shall have the jurisdiction and power to impose up to the maximum penalties provided for the violation of the ordinances adopted under the authority of this chapter. Review of the judgments of these courts shall be as provided in other criminal actions.

NEW SECTION. Sec. 13. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No person participating in a gambling activity shall in the course of such participation, directly or indirectly:

(1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;

(2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;

(3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or

(4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

NEW SECTION. Sec. 14. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any person who works as an employee or agent or in a similar capacity for another person in connection with the operation of an activity for which a license is required under this chapter or by commission rule without having obtained the applicable license required by the commission under section 3(16) of this 1977 amendatory act shall be guilty of a gross misdemeanor and shall, upon conviction, be punished by not more than one year in the county jail or a fine of not more than five thousand dollars, or both.

Sec. 15. Section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of (~~(and)~~) all peace officers (~~(or)~~), law enforcement officers (~~(or)~~), and law enforcement agencies within this state (~~(are hereby empowered)~~) to investigate, (~~(and)~~) enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

~~((2))~~ (3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors (~~(assigned by the department of motor vehicles to the commission)~~) shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

Sec. 16. Section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.230 are each amended to read as follows:

(1) All gambling devices as defined in RCW (~~(9.46.020(9))~~) 9.46.020(10) are common nuisances and shall be subject to seizure, immediately upon detection by any peace officer, and to confiscation and destruction by order of a superior or district justice court, except when in the possession of officers enforcing this chapter.

(2) No property right in any gambling device as defined in RCW (~~(9.46.020(9))~~) 9.46.020(10) shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(3) All furnishings, fixtures, equipment, and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting, or safekeeping, used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by

the owner, shall be forfeited to the state or political subdivision by which seized by order of a court having jurisdiction, for disposition by public auction or as otherwise provided by law. Bona fide liens against property so forfeited, on good cause shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Forfeit moneys and other proceeds realized from the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political subdivision or other public agency, if any, whose officers made the seizure, except as otherwise provided by law. This subsection shall not apply to such items utilized in activities enumerated in RCW 9.46.030, as now or hereafter amended ((~~or~~)), when the items are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((~~thereof~~)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs, or transports any gambling device as defined in RCW 9.46.020 as now or hereafter amended or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: **PROVIDED, HOWEVER,** That this subsection shall not apply to devices used in those activities enumerated in RCW 9.46.030, as now or hereafter amended, ((~~or~~)) when the devices are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((~~thereof~~)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores, or transports any gambling record, or buys, sells, offers, or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor: **PROVIDED, HOWEVER,** That this subsection shall not apply to records relating to and kept for activities enumerated in RCW 9.46.030, as now or hereafter amended ((~~or~~)), when the records are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((~~thereof~~)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

NEW SECTION. Sec. 17. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

All applications for licenses made to the commission, with the exception of any portions of the applications describing the arrest or conviction record of any person, and all reports required by the commission to be filed by its licensees on a periodic basis concerning the operation of the licensed activity or concerning any organization, association, or business in connection with which a licensed activity is operated, in the commission files, shall be open to public inspection at the commission's offices upon a prior written request of the commission. The staff of the commission may decline to allow an inspection until such time as the inspection will not unduly interfere with the other duties of the staff. The commission may charge the person making a request for an inspection an amount necessary to offset the costs to the commission of providing the inspection and copies of any requested documents.

NEW SECTION. Sec. 18. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

(1) For purposes of a prosecution under RCW 9.46.230(4) or a seizure, confiscation, or destruction order under RCW 9.46.230(1), it shall be a defense that the gambling device involved is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or defendant's possession. No slot machine, having been seized under this chapter, may be altered, destroyed, or disposed of without affording the owner thereof an opportunity to present a defense under this section. If the defense is applicable, the antique slot machine shall be returned to the owner or defendant, as the court may direct.

(2) RCW 9.46.230(2) shall have no application to any antique slot machine that has not been operated for gambling purposes while in the owner's possession.

(3) For the purposes of this section, a slot machine shall be conclusively presumed to be an antique slot machine if it was manufactured prior to January 1, 1941. Nothing in this subsection shall prevent a person from establishing that a slot machine manufactured on or after January 1, 1941, is an antique slot machine.

NEW SECTION. Sec. 19. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "gambling;" strike the remainder of the title and insert "amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46-.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.070; amending section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.080; amending section 10, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.100; amending section 1, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.115; amending section 14, chapter 218, Laws of 1973 1st ex. sess. as amended by section 8, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.140; amending section 18, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.180; amending section 19, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.190; amending section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.210; amending section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.230; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; prescribing penalties; and declaring an emergency."

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

The bill was read the second time by sections.

Senator Van Hollebeke moved adoption of the committee amendment.

Senator Morrison moved adoption of the following amendment by Senator Van Hollebeke to the committee amendment:

On page 15, beginning on line 42, strike all of subsection 8 and renumber the remaining subsections.

POINT OF ORDER

Senator Pullen: "Point of order, Mr. President. I would like to challenge the whole Senate committee amendment on the question of scope and object. I realize we are operating under Henry's Rules at this particular point, and I have great confidence in the President Pro Tem. I think in the past he has made many outstanding

rulings and I am very confident that he will take into account the scope and object of this particular amendment in a way that will be fair to all of us and consistent with past precedent."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I appreciate your confidence. I think it is a little misplaced, and your point of order is not well taken."

The motion by Senator Morrison carried and the amendment by Senator Van Hollebeke to the committee amendment was adopted.

The motion by Senator Van Hollebeke carried and the committee amendment, as amended, was adopted.

On motion of Senator Van Hollebeke, the committee amendment to the title was adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed House Bill No. 1133, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1133, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 26; nays, 18; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Clarke, Donohue, Fleming, Gaspard, Grant, Henry, Herr, Jones, Keefe, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odcaard, Peterson, Sandison, Sellar, Talley, Walgren, Wanamaker, Woody—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Goltz, Gould, Guess, Hayner, Mardesich, McDermott, North, Pullen, Rasmussen, Ridder, Scott, Van Hollebeke, von Rejchbauer, Washington, Wilson—18.

Excused: Senators Day, Francis, Lewis, Wojahn—4.

ENGROSSED HOUSE BILL NO. 1133, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Van Hollebeke moved the Senate reconsider the vote by which Engrossed House Bill No. 1133, as amended by the Senate, failed to pass the Senate.

MOTION

Senator Van Hollebeke moved the motion for reconsideration be held for the proper order of business on May 25, 1977.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Guess, the Senate moved to reconsider the vote by which Engrossed House Bill No. 1133, as amended by the Senate, failed to pass the Senate.

MOTION

On motion of Senator Marsh, Engrossed House Bill No. 1133, as amended by the Senate, was ordered placed on the third reading calendar, on reconsideration, for May 25, 1977.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2453.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2453, with the following amendments:

On page 6, line 25, after "one and" strike "~~((one-half))~~ three-fourths" and insert "one-half"

On page 10, beginning on line 8, strike all of subsection (6), and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Woody moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2453.

Debate ensued.

The motion by Senator Woody carried. The Senate concurred in the House amendments to Engrossed Senate Bill No. 2453.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2453, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 18; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Donohue, Fleming, Gould, Guess, Hayner, Henry, Herr, Jones, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Scott, Sellar, Walgren, Wanamaker, Woody—26.

Voting nay: Senators Beck, Bottiger, Buffington, Gaspard, Goltz, Grant, Keefe, McDermott, Monohon, Odegaard, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson—18.

Excused: Senators Day, Francis, Lewis, Wojahn—4.

ENGROSSED SENATE BILL NO. 2453, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 660.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, by Committee on Appropriations (originally sponsored by Representatives Thompson and Polk):
Establishing the LEAP committee.

REPORT OF STANDING COMMITTEE

April 26, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, establishing the LEAP Committee (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, after "house." strike everything down to and including the period on line 22

On page 3, beginning on line 21, strike all of subsection (2) and renumber the remaining subsections consecutively

On page 3, line 24, after "the" strike "proper state agencies" and insert "Office of Program Planning and Fiscal Management or its successor"

On page 3, line 30, strike all of subsection (5)

On page 4, line 10 after "administrator" strike ", and to fix the administrator's salary."

On page 4, line 14 after "their" strike "salaries." and insert "initial salaries subject to the approval of the facilities and operations committee of the senate and the employment committee of the house of representatives, or their successors. The administrator, and such personnel as the legislative and accountability program committee shall hire, shall thereafter receive the same salary increases as the legislature provides for other state employees."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Walgren, Washington, Woody.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were adopted.

On motion of Senator Woody, the following amendments were adopted:

On page 2, line 32, after "shall" insert "upon approval of a majority of the members of the respective house and senate committees on ways and means"

On page 4, line 27, strike new section 13.

Renumber remaining sections consecutively.

On page 5, strike section 17.

On page 5, beginning on line 3, insert a new section 17 as follows:

"NEW SECTION. Sec. 17. The provisions of this chapter shall expire on January 1, 1979."

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

On page 1, line 3 of the title, after "RCW" strike "and declaring an emergency" and insert "; and prescribing an effective date"

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute House Bill No. 660, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 660, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; excused, 4.

Voting yea: Senators Bausch, Beck, Clarke, Donohue, Gaspard, Goltz, Guess, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeck, Walgren, Wanamaker, Washington, Wilson, Woody—31.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Fleming, Gould, Grant, Hayner, Murray, North, Ridder, Scott, von Reichbauer—13.

Excused: Senators Day, Francis, Lewis, Wojahn—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

HOUSE BILL NO. 623, by Representatives Bauer and Zimmerman:

Exempting capital expenditures of nonprofit water associations from gross income for public utility tax purposes.

The time having arrived, the Senate resumed consideration of House Bill No. 623. On May 23, 1977, an amendment by Senators Rasmussen and Newschwander was moved for adoption. At that time, Senator Mardesich moved adoption of an amendment to page 1, line 25 of the amendment by Senators Rasmussen and Newschwander.

There being no objection, on motion of Senator Mardesich, the amendment to the amendment was withdrawn.

Senator Bottiger moved the following amendments to the amendment by Senators Rasmussen and Newschwander be considered and adopted simultaneously:

On page 1, line 9, after "their" insert "commercial"

On page 1, line 17, after "their" insert "commercial"

On page 1, line 23, after "their" insert "commercial"

POINT OF INQUIRY

Senator Gaspard: "Will Senator Bottiger yield? Senator Bottiger, my memory of the committee hearing on this particular issue is, as yours, dealing with the residential home owner. However, when you get up to the higher magnitude of the energy users, there is some concern as to what this type of language that Senators Rasmussen and Newschwander are presenting, what type of a firm that they would be helping, and I am wondering if you or your staff has been able to do any research to find out what industries we are talking about, what magnitude of savings would we be giving them?"

Senator Bottiger: "Yes, Senator Gaspard, I asked the Tacoma City Light for their five biggest customers and what effect this bill would have on those customers. For Hooker Chemical Company we are providing in the eight months that the city surcharge applies a hundred and seventy-four thousand dollars worth of tax relief; Boise Cascade Mill, a hundred and sixteen thousand; St. Regis, eighty-seven thousand; Pennwalt, seventy-one thousand; and Fort Lewis, our military neighbors, fifty-seven thousand dollars in tax relief."

Further debate ensued.

The motion by Senator Bottiger failed and the amendments to the amendment were not adopted.

Senator Bottiger moved adoption of the following amendment to the amendment by Senators Rasmussen and Newschwander:

On page 1, line 19, strike "energy from other sources"

Debate ensued.

MOTION

On motion of Senator Washington, House Bill No. 623, together with the pending amendment by Senators Rasmussen and Newschwander and the amendment by Senator Bottiger to the amendment, was ordered to hold its place on the second reading calendar for May 25, 1977.

MESSAGE FROM THE HOUSE

May 24, 1977.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 121, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 121.

MOTION

At 3:25 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, May 25, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 25, 1977.

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

The Color Guard, consisting of Pages Mark Fromong and Lisa Alderin, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"ALMIGHTY GOD, IN WHOSE LOVE, ALONE, OUR LIVES ARE HELD SECURE, WE GATHER IN THE MIDST OF DIFFICULT DECISIONS AND CONFLICTING CHALLENGES TO OPEN OURSELVES TO THE ENCOURAGEMENT OF YOUR SPIRIT. THE DEMANDS OFTEN SEEM OVERWHELMING, THE CONFLICTS SEEM NEARLY UNRESOLVABLE, YET WE KNOW THAT ONLY IN THE TURMOIL OF FACING THE HUMAN CHALLENGE DO WE GLIMPSE THE DIVINE REALITY OF OUR LIVES. AND SO WITH HUMILITY THAT COMES FROM AN APPRECIATION OF OUR ULTIMATE DESTINY, WE OFFER THIS DAY AND ITS LABOR TO YOU. AMEN."

MOTION

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

MESSAGES FROM THE GOVERNOR

Office of the Governor, May 24, 1977.

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

I have the honor to advise that on May 24, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2365: Revising laws relating to highways.

SENATE BILL NO. 2416: Providing a forfeiture hearing before the seizing agency to a person whose property has been seized under the controlled substances act.

SENATE BILL NO. 2443: Establishing an additional purpose and function of the board of electrical examiners and creating the department of labor and industries, division of building and construction safety inspection services revolving fund.

Sincerely,
JOE ZASPEL
Legislative Assistant.

Office of the Governor, May 24, 1977.

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

I have the honor to advise that on May 24, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2002: Prohibiting controlled substances in state penal institutions.

SENATE BILL NO. 2108: Revising laws pertaining to metropolitan public transportation.

SENATE BILL NO. 2122: Providing for enforcement of foreign judgments.

SUBSTITUTE SENATE BILL NO. 2125: Requiring railway bridges to have walkways.

SENATE BILL NO. 2180: Increasing the maximum limit for revenue of small water companies not subject to regulation.

SENATE BILL NO. 2182: Increasing operating tax on certain transportation companies.

SENATE BILL NO. 2222: Revising the number of judges in the court of appeals.

SENATE BILL NO. 2254: Permitting the use in evidence of blood sample reports of the state toxicologist.

SENATE BILL NO. 2263: Revising the laws regulating employment agencies.

SENATE BILL NO. 2295: Allowing joinder or cross-filing by additional parties in action to review administrative decision.

SENATE BILL NO. 2300: Modifying the collection of jury costs.

SENATE BILL NO. 2301: Increasing witness fees.

SENATE BILL NO. 2302: Modifying the fee for a writ of garnishment.

SENATE BILL NO. 2314: Increasing county auditor's fees for official services.

SENATE BILL NO. 2324: Providing an alternative method of giving notice of a materialman's lien.

SENATE BILL NO. 2341: Allowing the director of game to determine the time and place of the drawing in special hunting seasons.

SENATE BILL NO. 2344: Prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game.

SENATE BILL NO. 2371: Updating the Model Traffic Ordinance.

SENATE BILL NO. 2384: Changing the time for renewal of registration certificates of contractors.

SENATE BILL NO. 2452: Authorizing reasonable restraint of persons incapacitated by alcohol by medical personnel and limiting liability for actions in the course of official duty.

SENATE BILL NO. 2484: Modifying scope of the authority of the utilities and transportation commission to issue rules.

SUBSTITUTE SENATE BILL NO. 2530: Requiring new school buses over thirty-six feet six inches long to have three axles.

SUBSTITUTE SENATE BILL NO. 2681: Amending the appropriations law to direct transfers of certain funds of the state treasurer.

SENATE BILL NO. 2769: Increasing the registration fees for contractors.

SENATE BILL NO. 2927: Changing the time when animals are deemed abandoned.

SENATE BILL NO. 2864: Requiring an accident report when a legally standing vehicle is involved in an accident.

Sincerely,
JOE ZASPEL
Legislative Assistant.

DEPARTMENT OF STATE
OFFICE OF THE SECRETARY

May 25, 1977.

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

MR. PRESIDENT:

We herewith respectfully transmit for your consideration of several sections vetoed by the governor SUBSTITUTE SENATE BILL NO. 2872, the remainder of which has been designated Chapter 80, Laws of 1977, First Extraordinary Session, together with a copy of the official veto message of the governor setting forth her objections to the section as provided by Article III, Section 12, of the Washington State Constitution.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the State of Washington, at Olympia on the 25th day of May, 1977.

DUANE C. WOODS
Assistant Secretary of State.

PARTIAL VETO
SUBSTITUTE SENATE BILL NO. 2872

Office of the Governor, May 24, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith, without my approval as to several sections, SUBSTITUTE SENATE BILL NO. 2872 entitled:

An Act Relating to social and health services.

In making much needed revisions in the law to eliminate language offensive to certain of our citizens, the legislature has inadvertently made substantial changes in the law relating to marriage by repealing, in sections 17, 18, 19 and 20 of this bill, the basic prohibitions to be set forth by affidavit of persons desiring to marry. These alterations go far beyond the intent of this bill and should be given close attention by the legislature at some future date.

For the foregoing reasons, I have determined to veto sections 17, 18, 19, and 20. With the exception of those sections, I have approved the remainder of Substitute Senate Bill No. 2872.

Sincerely,
DIXY LEE RAY
Governor.

MESSAGES FROM THE HOUSE

May 24, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2731, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 24, 1977.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 797,

SUBSTITUTE HOUSE BILL NO. 821, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 24, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 165, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 24, 1977.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 444, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 2956,
SENATE JOINT RESOLUTION NO. 113.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 797,
SUBSTITUTE HOUSE BILL NO. 821.

MOTION

At 10:15 a.m., on motion of Senator Marsh, the Senate recessed until 11:55 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 318.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 318, by Committee on Judiciary (originally sponsored by Representatives Hansen, Fortson, Fancher, Gaines, Kilbury, Boldt, Charnley, Amen and Knedlik):

Permitting owners of property subject to condemnation proceedings to give the property to governmental unit involved.

The Senate resumed consideration of Substitute House Bill No. 318, as amended by the Senate on May 20, 1977.

PARLIAMENTARY INQUIRY

Senator Francis: "Mr. President, may I inquire as to the status of this bill and as to whether any amendments have been considered or adopted?"

REPLY BY THE PRESIDENT

President Cherberg: "Several amendments have been adopted, Senator Francis, an amendment by Senator Woody on page 1, line 12; another amendment by Senators Rasmussen and Guess."

POINT OF ORDER

Senator Francis: "Mr. President, if it is not too late to raise scope and object after an amendment has been adopted, I would raise scope and object at this time on any amendments to this bill."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, it is very unusual to raise scope and object after the body has adopted amendments. All the amendments were adopted. The bill was held over at the request of somebody. Senator Francis has been absent for a week, and the legislation is in a position to be passed, so I would urge that the body go ahead and pass the legislation, be done with it."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, Senator Rasmussen is as inaccurate about his amendments as he is about my absence. This is only Wednesday, and he is accurate that I was not here yesterday or I would have raised scope and object then. But if the President will consider that question I do now raise it."

RULING BY THE PRESIDENT

President Cherberg: "Senator Francis, in reply to your question, the Senate has acted upon these amendments, and therefore raising a point of order as to scope and object would be untimely."

REMARKS BY THE PRESIDENT

President Cherberg: "The President should offer a word of explanation that if you wish to raise the point of scope and object, that it would be necessary to reconsider the vote by which the amendments were adopted."

MOTION

Senator Francis moved Substitute House Bill No. 318, as amended by the Senate, be rereferred to the Judiciary Committee.
Debate ensued.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 318, as amended by the Senate, together with the motion by Senator Francis that the bill be rereferred to the Judiciary Committee, was ordered held for May 26, 1977.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 470.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 470, by Committee on Education (originally sponsored by Representatives Clemente, Barnes, Ehlers and Heck) (by Superintendent of Public Instruction request):

Setting forth the "In-service training act of 1977" for common school personnel training.

The bill was read the second time by sections.

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

On page 2, line 4, after "instruction" insert ": PROVIDED FURTHER, That the task force in each district shall be appointed by the school board in each district from residents of the district, and that no less than sixty percent of the members thereof shall be public members not employed by the school district"

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 470, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 470, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Blucchel, Bottiger, Buffington, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Benitz—1.

Excused: Senators Day, Fleming, Newschwander—3.

SUBSTITUTE HOUSE BILL NO. 470, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 559, by Representatives Ehlers, Berentson, Taller, Whiteside, Grim and Gaines:

Adding a retired person to the state employees' insurance board.

REPORT OF STANDING COMMITTEE

March 30, 1977.

ENGROSSED HOUSE BILL NO. 559, adding a retired person to the state employees' insurance board (reported by Committee on State Government):

Recommendation: Do pass with the following amendments:

On page 1, strike all of section 1 and insert the following:

"Section 1. Section 1, chapter 6, Laws of 1977 and section 34, chapter ... (ESB 2133), Laws of 1977 and RCW 41.05.020 are each reenacted and amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or ~~(his)~~ the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of

classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees, employees of county, municipal, or other political subdivisions of the state, and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, or protection applying to employees covered by RCW 28B.10.660 and 48.24.010 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group."

On line 2 of the title, strike "section 1, chapter ... (HB 173)" and insert "and amending section 1, chapter 6, Laws of 1977 and section 34, chapter ... (ESB 2133)"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Cunningham, Day, Gould, Henry.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment.

Senator Marsh moved adoption of the following amendment by Senators Marsh, Rasmussen and Odegaard to the committee amendment:

On page 1, following line 6, insert a new section 1 as follows:

"NEW SECTION. Section 1. There is added to chapter 41.05 RCW a new section to read as follows:

The legislature, recognizing the desirability of maintaining a healthy work force in order to promote the efficiency and productivity of the employees and officials working for the state, declares it to be in the best interest of the state to provide comprehensive health care to state employees and officials and their dependents."

Renumber remaining sections consecutively.

POINT OF INQUIRY

Senator Guess: "Mr. President, would Senator Marsh yield? Senator Marsh, what is the fiscal impact of this little jewel?"

Senator Marsh: "As far as I know it will be negligible. It will be whatever is placed in the budget for health care benefits. I believe this matter is under consideration by the conferees at the present time. I believe the proposal is to raise the contribution monthly from thirty-five dollars a month to seventy dollars or seventy-two dollars and fifty cents a month, whatever is put into the budget will be the impact of this particular amendment."

Senator Guess: "Senator Marsh, the cost of health care at the level that they contemplate exceeds the price of seventy-two fifty. Does this, by a back door approach, mandate the legislature into picking up the total cost?"

Senator Marsh: "No, it does not."

Senator Guess: "Senator Marsh, would this amendment consider that the health care cost be a part of the salary? In other words, the seventy-two fifty now has to be taken into consideration when you compute the pension?"

Senator Marsh: "No, it would not be a part of the salary."

POINT OF INQUIRY

Senator Guess: "Senator Donohue, would you yield? Senator Donohue, I know that this is not your amendment. It seems to me that I feel that this has a considerable fiscal impact upon the legislature. We too often mandate ourselves into certain positions, and when you say, 'recognizes the desirability of maintaining a healthy work force, that it be in the best interests of the state to provide comprehensive health care to the—' Does this mean now that we have got to go pick up an additional amount of money other than the seventy-two fifty?"

Senator Donohue: "Senator, I don't think so. The only money that is in the budget at the present time is reflected in the bill that is still in the House which raises the funding level from thirty-five to seventy-two fifty. That is the total amount, and I don't think that this would have any further implication."

Senator Guess: "Thank you."

POINT OF INQUIRY

Senator Scott: "Would Senator Marsh yield? Senator Marsh, if it has no impact, what is the purpose of the amendment?"

Senator Marsh: "I think the purpose of the amendment is, as Senator Guess suggested in his line of questioning, is to clarify that the legislative intent is not to consider the insurance provided to government employees as part of salary."

Senator Scott: "That isn't what the amendment says. Perhaps we had better have you define the meaning of the word 'comprehensive' as it is included in the amendment."

Senator Marsh: "Senator Scott, I would suggest that you make an oral motion to strike the word 'comprehensive'. I would have no objection to your striking that word from the amendment."

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

On line 11 of the amendment, after "provide" and before "health" strike "comprehensive"

The motion by Senator Marsh carried and the amendment, as amended, to the committee amendment was adopted.

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

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 559, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 559, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wälgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Benitz—1.

Excused: Senators Day, Fleming, Newschwander—3.

ENGROSSED HOUSE BILL NO. 559, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, I want to apologize to Senator Francis for hitting at him so hard for being absent. I realize that due to the long session there are cases that have to be set that they cannot get out of in the courts, and there are other reasons that people have to be absent. It all points up the fact that we have been here too long. I am getting a little snappish, and I hope that doesn't infect the rest of the people here. But the session—the length of the session, of course, makes it necessary for some people to be absent. I hope Senator Francis will accept my apology."

MOTION

At 12:30 p.m., on motion of Senator Wälgren, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

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

REPORTS OF STANDING COMMITTEES

May 25, 1977.

SENATE BILL NO. 2810, relating to education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2810 be substituted therefor and the substitute bill do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Murray, Washington.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

May 25, 1977.

LOREN CALVIN DAVIDSON, to the position of member of the Higher Education Personnel Board, appointed by the Governor on May 17, 1977 for the term ending July 1, 1977, succeeding John B. Troup (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Odęgaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

May 25, 1977.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 121, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 25, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2114,

SENATE BILL NO. 2211,

SENATE BILL NO. 2241,

SUBSTITUTE SENATE BILL NO. 2244,

SENATE BILL NO. 2273,

SENATE BILL NO. 2310,

SUBSTITUTE SENATE BILL NO. 2356,

SENATE BILL NO. 2444,

SENATE BILL NO. 2485,

SUBSTITUTE SENATE BILL NO. 2593,

SUBSTITUTE SENATE BILL NO. 2634,

SUBSTITUTE SENATE BILL NO. 2638,

SENATE BILL NO. 2675,

SENATE BILL NO. 2747,

SUBSTITUTE SENATE BILL NO. 2851,

SUBSTITUTE SENATE BILL NO. 2924,

SUBSTITUTE SENATE BILL NO. 2975.

SUBSTITUTE SENATE BILL NO. 3098, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2453,
SUBSTITUTE SENATE BILL NO. 2731.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 125.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 125, by Committee on State Government (originally sponsored by Representatives Ehlers, Hawkins, Erickson, Hanna and Salatino):

Revising laws affecting residents of soldiers' and veterans' homes.

REPORT OF STANDING COMMITTEE

April 20, 1977.

SUBSTITUTE HOUSE BILL NO. 125, revising laws affecting residents of soldiers' and veterans' homes (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

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

"Section 1. Section 72.36.030, chapter 28, Laws of 1959 as amended by section 1, chapter 13, Laws of 1975 and RCW 72.36.030 are each amended to read as follows:

All honorably discharged (~~soldiers, sailors and marines~~) veterans who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting under such rules and regulations as may be adopted by the department: **PROVIDED**, That such applicants have been actual bona fide (~~citizens~~) residents of this state at the time of their application, and are indigent and unable to support themselves: **PROVIDED FURTHER**, That the surviving spouses of all veterans and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto at the time of death, and surviving spouses of all such veterans and members of the state militia, who would have been entitled to admission to a soldiers' home or colony or veterans' home in this state at the time of death, but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves shall be admitted to such home: **PROVIDED, FURTHER**, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto: **AND PROVIDED, FURTHER**, That sufficient facilities and resources are available to accommodate such applicant.

Sec. 2. Section 72.36.040, chapter 28, Laws of 1959 as last amended by section 1, chapter 101, Laws of 1973 and section 102, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.040 are each reenacted and amended to read as follows:

There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting school district and have been actual bona fide (~~(citizens)~~) residents of this state (~~(for a period of three years)~~) at the time of their application and who have personal property of less than one thousand five hundred dollars and/or a monthly income insufficient to meet their needs outside of residence in such colony and soldiers' home as determined by ((the)) standards of the ((county welfare)) department of veterans' affairs, may be admitted to membership in said colony under such rules and regulations as may be adopted by the department.

(1) All honorably discharged (~~(soldiers, sailors and marines,)~~) veterans who have served in the armed forces of the United States during wartime, members of the state militia disabled while in the line of duty, and their respective spouses with whom they have lived for three years prior to application for membership in said colony. Also, the spouse of any such veteran or disabled member of the state militia is eligible for membership in said colony, if such spouse is the widow or widower of a veteran who was a member of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: **PROVIDED**, That such veterans and members of the state militia shall, while they are members of said colony, be living with their said spouses.

(2) The spouses of all veterans who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the spouses of all veterans who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which spouses have since the death of their said husbands or wives become indigent and unable to earn a support for themselves: **PROVIDED**, That such spouses are not less than fifty years of age and have not been married since the decease of their said husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the (~~(hospital at the)) state soldiers' home for temporary care when requiring ((hospital)) treatment.~~

Sec. 3. Section 72.36.060, chapter 28, Laws of 1959 and RCW 72.36.060 are each amended to read as follows:

The state treasurer is authorized to receive any and all moneys appropriated or paid by the United States under the act of congress entitled "An Act to provide aid to state or territorial homes for disabled soldiers and sailors of the United States," approved August 27, 1888, or under any other act or acts of congress for the benefit of such homes. Such moneys shall be deposited in the general fund and shall be expended for the maintenance of the soldiers' home and veterans' home.

Sec. 4. Section 72.36.070, chapter 28, Laws of 1959 and RCW 72.36.070 are each amended to read as follows:

There shall be established and maintained in this state a branch of the state soldiers' home, under the name of the "Washington veterans' home," which branch shall be a home for honorably discharged (~~(soldiers, sailors and marines))~~ veterans who have served the United States government in any of its wars, members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state, and also the (~~(wives))~~ spouses of such (~~(soldiers, sailors and marines))~~ veterans.

Sec. 5. Section 72.36.080, chapter 28, Laws of 1959 as last amended by section 2, chapter 13, Laws of 1975 and RCW 72.36.080 are each amended to read as follows:

All of the following persons who have been actual bona fide residents of this state at the time of their application, and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director: **PROVIDED**, That sufficient facilities and resources are available to accommodate such person:

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: **PROVIDED**, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto.

(2) The spouses of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto at the time of death, and spouses of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony or veterans' home in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves: **PROVIDED**, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto.

NEW SECTION. Sec. 6. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

The soldiers' home and colony at Orting and the Washington veterans' home at Retsil shall provide both domiciliary and nursing care. The level of domiciliary members shall remain consistent with the facilities available to accommodate those members: **PROVIDED**, That nothing in this section shall preclude the department from moving residents between nursing and domiciliary care in order to better utilize facilities and maintain the appropriate care for the members.

NEW SECTION. Sec. 7. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

All income of members of the soldiers' home in excess of allowable income shall be deposited in the soldiers' home revolving fund as established in section 55, chapter 269, Laws of 1975 1st ex. sess. (uncodified, and herein continued and reenacted).

(1) Allowable income shall be defined by the rules and regulations adopted by the department: **PROVIDED**, That the allowable income of members accepted for membership shall not be decreased below one hundred sixty dollars per month during periods that such members are resident thereat.

(2) Disbursements from the soldiers' home revolving fund shall be for the benefit and welfare of all members of the soldiers' home and such disbursements shall be on the authorization of the superintendent or his authorized representative after approval has been received from a duly constituted body representative of the members.

(3) In order to maintain an effective expenditure and revenue control, the soldiers' home revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures from such funds.

NEW SECTION. Sec. 8. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

All income of members of the veterans' home in excess of allowable income shall be deposited in the veterans' home revolving fund as established in section 55, chapter 269, Laws of 1975 1st ex. sess. (uncodified, and herein continued and reenacted).

(1) Allowable income shall be defined by the rules and regulations adopted by the department. However, the allowable income of members accepted for membership shall not be decreased below one hundred sixty dollars per month during periods that such members are resident thereat.

(2) Disbursements from the veterans' home revolving fund shall be for the benefit and welfare of all members of the Washington veterans' home and such disbursements shall be on the authorization of the superintendent of the home or his duly authorized representative after approval has been received from a duly constituted body representative of the members.

(3) In order to maintain an effective expenditure and revenue control, the veterans' home revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures from such funds.

Sec. 9. Section 72.36.090, chapter 28, Laws of 1959 and RCW 72.36.090 are each amended to read as follows:

The superintendents of the state soldiers' home and colony ((is)) and the state veterans' home are hereby authorized to:

(1) Institute programs of (~~occupational therapy and~~) hobby promotion designed to improve the general welfare and mental condition of the persons under (~~his~~) their supervision;

(2) Provide for the financing of these programs by (~~loans~~) grants from funds in the superintendent's custody through operation of canteens and exchanges at such institutions;

(3) Limit the hobbies (~~and occupational therapy~~) sponsored to projects which will, in (~~his~~) their judgment, be self-liquidating or self-sustaining.

NEW SECTION. Sec. 10. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

In the maintenance of the Washington soldiers' home and colony and the Washington veterans' home by the state through the department of veterans' affairs, such maintenance shall include, but not be limited to, the provision of members' room and board, medical and dental care, physical and occupational therapy, and recreational activities, with the necessary implementing transportation, equipment, and personnel therefor.

NEW SECTION. Sec. 11. There is added to chapter 28, Laws of 1959 and to chapter 72.36 RCW a new section to read as follows:

For purposes of this chapter, unless the context clearly indicates otherwise, "actual bona fide residents of this state" shall mean persons who have a domicile in the state of Washington immediately prior to application for membership in the soldiers' home or colony or veterans' home. The term "domicile" shall mean a person's true, fixed, and permanent home and place of habitation, and shall be the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

Sec. 12. Section 14, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.080 are each amended to read as follows:

(1) There is hereby created a state veterans affairs advisory committee which shall serve in an advisory capacity to the governor and the director of the department of veterans affairs. The committee shall be composed of (~~nine~~) eleven members to be appointed by the governor, and shall consist of two veterans at large, one of whom shall be a Viet Nam era veteran(~~;~~); one representative of the Washington soldiers' home and colony at Orting; one representative of the Washington veterans' home at Retsil; and one representative of each of the following congressionally

chartered veterans organizations: American Legion, Veterans of Foreign Wars, American Veterans of World War II, Korea and Vietnam, Disabled American Veterans, Military Order of the Purple Heart, Marine Corps League, and Veterans of World War I. The seven members representing the foregoing organizations shall be chosen from a list of twenty-one nominees consisting of three names submitted to the governor by each of the named organizations. (~~The first members of the committee shall hold office as follows: Three members to serve two years, three members to serve three years, and three members to serve four years. Upon expiration of said original terms.~~) Immediately after the effective date of this 1977 amendatory act, all positions on the committee shall become vacant, and the governor shall appoint four members to serve two years, four members to serve three years, and three members to serve four years. Subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The state advisory committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the (~~director and the~~) governor and the director on all matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable.

(3) Members of the state advisory committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

NEW SECTION. Sec. 13. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

On page 1, on line 1 of the title, after "institutions;" and before "amending" insert "amending section 14, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.080;"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Rasmussen yield to a question? Senator Rasmussen, I have carefully read both the original bill as it came from the House together with your amendment. As I understand it, your amendment strikes the entire original bill, but then reenacts the entire original bill and adds on to the provision about the commission membership. Is that correct? We could not adopt the committee amendment and have the House bill and your bill with that exception intact."

Senator Rasmussen: "Yes, this would put it all in one bill, Senator Bottiger."

Debate ensued.

Senator Lewis demanded a roll call and the demand was sustained by Senators Bottiger, Guess, Clarke, Wanamaker, Sellar, North, Rasmussen, Wojahn and Ridder.

The President declared the question before the Senate to be adoption of the committee amendment.

ROLL CALL

The Secretary called the roll and the committee amendment was not adopted by the following vote: Yeas, 6; nays, 32; absent or not voting, 8; excused, 2.

Voting yea: Senators Day, Mardesich, Peterson, Rasmussen, Talley, Van Hollebeke—6.

Voting nay: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Jones, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Pullen, Ridder, Scott, Sellar, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—32.

Absent or not voting: Senators Donohue, Henry, Herr, Keefe, Odegaard, Sandison, Walgren, Woody—8.

Excused: Senators Fleming, Newschwander—2.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 125 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 125, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 5; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Absent or not voting: Senators Donohue, Herr, Odegaard, Sandison, Walgren—5.

Excused: Senators Fleming, Newschwander—2.

SUBSTITUTE HOUSE BILL NO. 125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Marsh, the Senate moved to reconsider the vote by which the following bill passed the Senate:

ENGROSSED HOUSE BILL NO. 559, by Representatives Ehlers, Berentson, Taller, Whiteside, Grimm and Gaines:

Adding a retired person to the state employees' insurance board.

MOTION

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 559 was returned to second reading.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Marsh yield? Senator Marsh, in your taking the amendment off, will that also take off all the remarks that were on the floor?"

Senator Marsh: "I will ask the presiding officer if that could be done, and if possible, I would move that those remarks be stricken from the record."

MOTIONS FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Marsh, the Senate moved to reconsider adoption of the committee amendment.

Having voted on the prevailing side, on motion of Senator Marsh, the Senate moved to reconsider adoption of the amendment by Senators Marsh, Rasmussen and Odegaard to the committee amendment.

There being no objection, on motion of Senator Marsh, the amendment to the committee amendment was withdrawn.

On motion of Senator Marsh, the committee amendment, on reconsideration, was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 559, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 559, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 38; nays, 2; absent or not voting, 6; excused, 2.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, North, Peterson, Pullen, Rasmussen, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Voting nay: Senators Murray, Scott—2.

Absent or not voting: Senators Benitz, Bottiger, Donohue, Odegaard, Sandison, Walgren—6.

Excused: Senators Fleming, Newschwander—2.

ENGROSSED HOUSE BILL NO. 559, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

SUBSTITUTE HOUSE BILL NO. 798, by Committee on Commerce (originally sponsored by Representative O'Brien):

Expanding the right to be free from discrimination.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 798. On May 24, 1977, the committee amendment was ruled out of order. At that time, Senator Walgren moved the bill be held for further consideration on May 25, 1977. On motion of Senator Day, the bill was made a special order of business for 2:30 p.m., May 25, 1977.

Senator Day moved adoption of the following amendment:

On page 1, line 23, after "discrimination" insert "including the utilization on an equal participation basis of the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW, except for prepaid group practice plans"

POINT OF ORDER

Senator Sellar: "Thank you, Mr. President and members of the Senate. I would like to raise the point of scope and object on this particular amendment. I believe the bill deals with Chapter 49 of the RCW, and the bill specifically deals with foreign trade and boycotts and embargoes. The amendment deals with an entirely different chapter which deals with medical health providers, and I would like to challenge the scope and object to that amendment."

MOTION

On motion of Senator Marsh, Substitute House Bill No. 798, together with the amendment by Senator Day and the Point of Order raised by Senator Sellar, was ordered held for further consideration following Engrossed House Bill No. 150.

President Pro Tempore Henry assumed the Chair.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 150.

SECOND READING

ENGROSSED HOUSE BILL NO. 150, by Representatives May, Grier and Wilson:

Revising the definition of "public work" for government contracts.

REPORT OF STANDING COMMITTEE

April 26, 1977.

ENGROSSED HOUSE BILL NO. 150, revising the definition of "public work" for government contracts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24, after "maintenance" and before "shall" strike ", performed by private contractors" and insert "when performed by contract"

Signed by: Senators Wilson, Chairman; North, Sellar, Talley.

The bill was read the second time by sections.

Senator Wilson moved adoption of the committee amendment.

Debate ensued.

The motion by Senator Wilson carried and the committee amendment was adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 150, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 150, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 2.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Monohon, Odgaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebecke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—29.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Murray, North, Pullen, Scott, Sellar, Wanamaker—17.

Excused: Senators Fleming, Newschwander—2.

ENGROSSED HOUSE BILL NO. 150, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 656.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 656, by Committee on Education (originally sponsored by Representatives O'Brien, King, Maxie, Newhouse, Lysen, Clemente, Berentson, Knowles, Hurley (Margaret), Pardini, Bauer, Becker, Kilbury, Adams, Flanagan, Gallagher, McCormick, Fischer, Conner, Gaines, Erickson, May, Grier, Hughes, Greengo and Taller):

Mandating certain public agencies to make surplus books, equipment, etc. available at depreciated cost to private schools.

REPORT OF STANDING COMMITTEE

April 26, 1977.

SUBSTITUTE HOUSE BILL NO. 656, mandating certain public agencies to make surplus books, equipment, etc. available at depreciated cost to private schools (reported by Committee on Education):

Recommendation: Do pass with the following amendment:

On page 1, line 11, after "writing" strike all of the material down to and including "HOWEVER," on page 1, line 14 and insert "that the same is available for sale to private schools at depreciated cost, or fair market value, whichever is higher, prior to other disposal thereof, if requested in writing by the private schools within one year: PROVIDED, That"

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Murray, Washington.

The bill was read the second time by sections.

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

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 656, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 656, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yeas: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebecke, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Gaspard, von Reichbauer—2.

Excused: Senators Fleming, Newschwander—2.

SUBSTITUTE HOUSE BILL NO. 656, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 417.

SECOND READING

HOUSE BILL NO. 417, by Representatives Sherman, Warnke, Ehlers and Lysen:

Restricting taxes on bingo, raffles, or amusement games only under specified conditions.

REPORT OF STANDING COMMITTEE

May 5, 1977.

HOUSE BILL NO. 417, restricting taxes on bingo, raffles, or amusement games only under specified conditions (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 7, after "bingo" strike ", raffles and amusement games" and insert "((;)) and raffles (~~and amusement games~~)"

On page 2, beginning on line 10, after "prizes" strike all of the material down to and including "year" on line 18 and insert "Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.020(3), which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding five thousand dollars per year less the amount paid for as prizes"

Signed by: Senators Van Hollebeke, Chairman; Bausch, Morrison.

The bill was read the second time by sections.

Senator Van Hollebeke moved the two committee amendments be considered and adopted simultaneously.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Will Senator Morrison yield? Senator Morrison, as I read the committee amendment, the only place where the charitable organization is included is with the 'PROVIDED FURTHER' section. If you start at the beginning of the committee amendment, it talks about taxation of amusement games which it appears to me could be taxation of amusement games in commercial establishments as well as for the non-profit or charitable organization. So, it seems to me that the first part of the committee amendment speaks to commercial establishments, not simply to non-profit or charitable organizations. Is that correct?"

Senator Morrison: "I believe that is correct, Senator Goltz, and I can't answer your question fully, so maybe this could be held over until we can get the correct answer for you."

MOTION

On motion of Senator Marsh, House Bill No. 417, together with the committee amendments, was ordered held for further consideration following House Bill No. 694.

SECOND READING

HOUSE BILL NO. 694, by Representatives Boldt and Kilbury:

Authorizing the state patrol to dispose of certain real property.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, House Bill No. 694 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 694, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yeas: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odgaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—46.

Excused: Senators Fleming, Newschwander—2.

HOUSE BILL NO. 694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 828, by Representatives King, Enbody, Berentson and Polk:

Authorizing civil penalties against collection agencies.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 828 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 828, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yeas: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odgaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—47.

Excused: Senator Newschwander—1.

HOUSE BILL NO. 828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 842, by Representatives Thompson and Whiteside (by Secretary of State request):

Removing county auditor filing requirements for business corporations.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, House Bill No. 842 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 842, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Voting nay: Senator Woody—1.

Absent or not voting: Senators Matson, McDermott, Woody—3.

Excused: Senator Newschwander—1.

HOUSE BILL NO. 842, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 417, by Representatives Sherman, Warnke, Ehlers and Lysen:

Restricting taxes on bingo, raffles, or amusement games only under specified conditions.

The Senate resumed consideration of House Bill No. 417. The two committee amendments had been moved for adoption by Senator Van Hollebeke earlier today.

Debate ensued.

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President and members of the Senate, the provisions referred to by Senator Wojahn, we find that one of the reasons that the gambling commission is supporting this particular language in the committee amendment is the fact that very few cities or counties actually collect this tax at all, now. They look at the groups, see that they are non-profitable or charitable, and they are raising a rather limited amount through these raffles or bingos, and just don't bother to collect the tax at all. So, the commission has asked for this particular amendment in the form that it is in, and so I think it is worthy of our support."

Further debate ensued.

The motion by Senator Van Hollebeke carried and the committee amendments were adopted on a rising vote.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 417, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 417, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Grant, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Woody—32.

Voting nay: Senators Benitz, Bluechel, Goltz, Gould, Guess, Hayner, North, Pullen, Scott, von Reichbauer, Washington, Wilson, Wojahn—13.

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

Excused: Senator Newschwander—1.

HOUSE BILL NO. 417, as amended by the Senate, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Jones, Senator Morrison was excused.

On motion of Senator Odegaard, Senator McDermott was excused.

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

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 1133.

THIRD READING

ENGROSSED HOUSE BILL NO. 1133, by Representatives Conner, Kilbury, Gallagher, Knowles, McCormick, Hanna, Grier, Struthers, Fuller and Gaines:

Authorizing certain golfing sweepstakes under gambling act.

The President declared the question before the Senate to be the roll call, on reconsideration, on final passage of Engrossed House Bill No. 1133, as amended by the Senate.

Debate ensued.

The President declared the question before the Senate to be the roll call, on reconsideration, on final passage of Engrossed House Bill No. 1133, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1133, as amended by the Senate, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 31; nays, 13; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Grant, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Murray, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wojahn, Woody—31.

Voting nay: Senators Benitz, Bluechel, Goltz, Gould, Guess, Hayner, North, Pullen, Ridder, Scott, von Reichbauer, Washington, Wilson—13.

Absent or not voting: Senator Matson—1.

Excused: Senators McDermott, Morrison, Newschwander—3.

ENGROSSED HOUSE BILL NO. 1133, as amended by the Senate, having received the constitutional majority, on reconsideration was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Jones, Senator Murray was excused.

On motion of Senator Marsh, the Senate returned to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 1284.

SECOND READING

HOUSE BILL NO. 1284, by Representatives Sommers, Newhouse, Shinpoch, O'Brien, Taller and Erickson:

Allowing transactions respecting University of Washington metropolitan tract to encompass time sequence of 60 years from December 31, 1980.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the following amendment:

On page 1, line 30, after "legislature" insert "": PROVIDED FURTHER, That any and all records of any lessee under this section, including but not limited to the books, records, accounts, agreements, and subleases pertaining thereto, shall be open to inspection by the board of regents and/or the ways and means committees of the house or senate or any successor committee thereof"

Debate ensued.

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

On motion of Senator Mardesich, the rules were suspended, House Bill No. 1284, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1284, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Voting nay: Senator Goltz—1.

Absent or not voting: Senator Matson—1.

Excused: Senators McDermott, Morrison, Murray, Newschwander—4.

HOUSE BILL NO. 1284, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the Chair.

MOTION

On motion of Senator Marsh, the Senate resumed consideration of Substitute House Bill No. 798.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 798, by Committee on Commerce (originally sponsored by Representative O'Brien):

Expanding the right to be free from discrimination.

The Senate resumed consideration of Substitute House Bill No. 798. Earlier today, Senator Day moved adoption of the following amendment and a Point of Order was raised by Senator Sellar:

On page 1, line 23, after "discrimination" insert "including the utilization on an equal participation basis of the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW, except for prepaid group practice plans"

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Sellar, the President finds that Substitute House Bill 798 is a measure which expands the right to be free from discrimination in commerce and relates specifically to discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists are defined in the bill as arrangements which are imposed by 'a foreign government or foreign person.'

"The amendment proposed by Senator Day deals with podiatrists, chiropractors, dentists, optometrists, osteopaths, physicians, physical therapists, psychologists and registered nurses, and with the right of such health care providers to be free from insurance related discrimination, except that which may be imposed by prepaid group practice plans.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Day was ruled out of order.

PERSONAL PRIVILEGE

Senator Day: "Point of personal privilege. I bow to the superior knowledge of the President and also to the four hundred and ninety-five million in annual premium of Washington Physician's Service."

On motion of Senator Francis, the following amendment by Senators Francis and Wojahn was adopted:

On page 2, line 19, after "to" strike "~~(sex discrimination)~~" and insert "sex discrimination or"

There being no objection, on motion of Senator North, an amendment to page 1, line 24, on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Francis, the rules were suspended, Substitute House Bill No. 798, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 798, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Voting nay: Senators Clarke, Guess, Hayner, Lewis—4.

Absent or not voting: Senators Bluechel, Rasmussen—2.

Excused: Senators McDermott, Morrison, Murray, Newschwander—4.

SUBSTITUTE HOUSE BILL NO. 798, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2480.

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2480, with the following amendments:

Beginning on page 3, line 35, delete the remainder of the bill and insert the following:

"**NEW SECTION.** Sec. 3. There is added to chapter 35, Laws of 1945 and to chapter 50.04 RCW a new section to read as follows:

(1) Service performed in agricultural labor on and after January 1, 1978, for a farm operator or crew leader will be deemed services in employment if the farm operator or crew leader:

(a) Paid twenty thousand dollars or more as remuneration to individuals employed in agricultural labor during any calendar quarter in the current or preceding calendar year; or

(b) Employed ten or more individuals in agricultural labor for some portion of the day in each of twenty different calendar weeks in either the current or preceding calendar year regardless of whether they were employed at the same moment of time or whether or not the weeks were consecutive.

(2) A farm operator is the owner or tenant of the farmlands who stands to gain or lose economically from the operations of the farm. Employment will be considered employment by the farm operator unless it is established to the satisfaction of the commissioner that the services were performed in the employ of a crew leader. The risk of nonpersuasion is upon the farm operator. The operator will nonetheless be liable for contributions under RCW 50.24.130 even though services performed on the operator's farmlands would not be sufficient to bring the services under the term employment if services performed on the operator's land in the employ of a crew leader would be covered and the crew leader has failed to pay contributions on the services. For the purposes of the preceding sentence and RCW 50.24.130, all moneys paid or payable to the crew leader by the farm operator shall be deemed paid for services unless there is a written contract clearly specifying the amounts of money to be attributed to items other than services of the crew leader or the crew leader's employees.

(3) For the purposes of this section, a crew leader is a person who furnishes individuals to perform services in agricultural labor for the benefit of any other person, who pays for the services performed in agricultural labor (either on his or her own behalf or on behalf of the other person), and who has not made a written agreement making himself or herself an employee of the other person: **PROVIDED**, That no person shall be deemed a crew leader unless he or she is established independently of the person for whom the services are performed and either has a valid certificate of registration under the farm labor contractor registration act of 1963 or substantially all the members of his or her crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment which is provided by the crew leader.

Sec. 4. Section 17, chapter 35, Laws of 1945 as amended by section 4, chapter 215, Laws of 1947 and RCW 50.04.160 are each amended to read as follows:

~~((The term "employment" shall not include domestic service in a private home, local college club, or local chapter of a college fraternity or sorority. **PROVIDED, HOWEVER, That**)~~ Services performed in domestic service in a private home, local college club, or local chapter of a college fraternity or sorority shall not be considered services in employment unless the services are performed after December 31, 1977, for a person who paid remuneration of one thousand dollars or more to individuals employed in this domestic service in any calendar quarter in the current or the preceding calendar year. The terms local college club and local chapter of a college fraternity or sorority shall not be deemed to include alumni clubs or chapters.

NEW SECTION. Sec. 5. There is added to chapter 35, Laws of 1945 and to chapter 50.04 RCW a new section to read as follows:

Services performed by aliens legally or illegally admitted to the United States shall be considered services in employment subject to the payment of contributions to the extent that services by citizens are covered.

NEW SECTION. Sec. 6. There is added to chapter 35, Laws of 1945 and to chapter 50.20 RCW a new section to read as follows:

Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if the individual performed the services in the first of the seasons (or similar periods) and there is a reasonable assurance that the individual will perform the services in the latter of the seasons (or similar periods).

Sec. 7. Section 28, chapter 35, Laws of 1945 and RCW 50.04.270 are each amended to read as follows:

The term "employment" shall not include casual labor not in the course of the employer's trade or business (labor which does not promote or advance the trade or business of the employer). Temporary labor in the usual course of an employer's trade or business or domestic services as defined in RCW 50.04.160 shall not be deemed to be casual labor.

Sec. 8. Section 31, chapter 35, Laws of 1945 as amended by section 10, chapter 3, Laws of 1971 and RCW 50.04.300 are each amended to read as follows:

"State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico.

Sec. 9. Section 44, chapter 35, Laws of 1945 as last amended by section 11, chapter 3, Laws of 1971 and RCW 50.12.050 are each amended to read as follows:

As used in this section the terms "other state" and "another state" shall be deemed to include any state or territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any foreign government and, where applicable, shall also be deemed to include the federal government or provisions of a law of the federal government, as the case may be.

As used in this section the term "claim" shall be deemed to include whichever of the following terms is applicable, to wit: "Application for initial determination", "claim for waiting period credit", or "claim for benefits".

The commissioner shall enter into an agreement with any other state whereby in the event an individual files a claim in another state against wages earned in employment in this state, or against wage credits earned in this state and in any other state or who files a claim in this state against wage credits earned in employment in any other state, or against wages earned in this state and in any other state, the claim will be paid by this state or another state as designated by the agreement in accordance with a determination on the claim as provided by the agreement and pursuant to the qualification and disqualification provisions of this title or under the provisions of the law of the designated paying state (including another state) or under such a combination of the provisions of both laws as shall be determined by the commissioner as being fair and reasonable to all affected interests, and whereby the wages of such individual, if earned in two or more states (including another state) may be combined, and further, whereby this state or another state shall reimburse the paying state in an amount which shall bear the same ratio to the amount of benefits already paid as the amount of wage credits transferred by this state or another state, and used in the determination, bear to the total wage credits used in computing the claimant's maximum amount of benefits potentially payable.

Whenever any claim is filed by an individual involving the combination of wages or a reciprocal arrangement for the payment of benefits, which is governed by

the provisions of this section, the employment security department of this state, when not designated as the paying state, shall promptly make a report to the other state making the determination, showing wages earned in employment in this state.

The commissioner is hereby authorized to make to another state and to receive from another state reimbursements from or to the unemployment compensation fund in accordance with arrangements made pursuant to the provisions of this section.

NEW SECTION. Sec. 10. There is added to chapter 35, Laws of 1945 and to chapter 50.20 RCW a new section to read as follows:

(1) Benefits shall not be paid on the basis of services performed by an alien unless the alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of 8 U.S.C. Sec. 1153(a)(7) or 8 U.S.C. Sec. 1182(d)(5): **PROVIDED**, That any modifications to 26 U.S.C. Sec. 3304(a)(14) as provided by PL 94-566 which specify other conditions or other effective date than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by 26 U.S.C. Sec. 3301 shall be deemed applicable under this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of his or her alien status shall be made except upon a preponderance of the evidence.

Sec. 11. Section 2, chapter 1, Laws of 1971 as amended by section 7, chapter 73, Laws of 1973 and RCW 50.22.010 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after whichever of the following weeks occurs first:

(i) A week for which there is a national "on" indicator((:)); or

(ii) A week for which there is a state "on" indicator(~~(: -PROVIDED, That, as there was a state "on" indicator for the week which was three weeks prior to October 11, 1970, an extended benefit period began on that date:); and~~

(b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator: **PROVIDED**, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state(~~(: -AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively)).~~

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that ((for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent)) for the period consisting of such week and the twelve weeks immediately preceding it, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of the period).

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that ((for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent)) for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of the period).

(4) There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) ((as determined under the provisions of subsection (6) of this section)) either:

(a) Equalled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years(;) and equalled or exceeded four percent; or

(b) Equalled or exceeded ((four)) five percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) ((as determined under the provisions of subsection (6) of this section)) was either:

(a) Less than ((one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years)) four percent; or

(b) ((Less than)) Four percent or more but less than five percent and the rate of insured unemployment was less than one hundred twenty percent of the average of the rates for the corresponding thirteen week period ending in each of the two preceding calendar years.

(6) ((Rate of insured unemployment", for purposes of subsections (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen consecutive week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor, by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

((7)) "Regular benefits" means benefits payable to an individual under this title or(;) under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

((8)) (7) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than ((emergency benefits payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period)) regular or additional benefits.

((9)) (8) "Additional benefits" are benefits ((other than regular benefits or extended benefits)) totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

((10)) (9) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in

effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

((+)) (10) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week, after the cancellation of some or all of his wage credits or the total or partial reduction of his rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his current benefit year all of the regular benefits that were payable to him, or available to him, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his current benefit year, he may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he is not entitled to regular benefits with respect to such week of unemployment (although he may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his current benefit year), and he is otherwise an exhaustee within the meaning of this section with respect to his right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him during such year because his wage credits were canceled or his right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His benefit year having ended prior to such week, he has insufficient wages or employment, or both, on the basis of which he could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of the Virgin Islands or Canada, unless the appropriate agency finally determines that he is not entitled to unemployment benefits under such law for such week.

((+)) (11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

Sec. 12. Section 104, chapter 35, Laws of 1945 as last amended by section 1, chapter 35, Laws of 1972 ex. sess. and RCW 50.24.160 are each amended to read as follows:

Any employing unit for which services that do not constitute employment as defined in this title are performed may file with the commissioner a written election

that all such services performed by any distinct class or group of individuals or by all individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this title for not less than two calendar years. Upon the written approval of such election by the commissioner, such services shall be deemed to constitute employment subject to this title from and after the date stated in such approval(~~(- PROVIDED, HOWEVER, That any political subdivision of this state or any instrumentality of a political subdivision may elect coverage in accordance with the provisions of RCW 50.44.030 as a matter of right)~~). Services covered pursuant to this section shall cease to be deemed employment subject hereto as of January 1st of any calendar year subsequent to such two calendar years, only if the employing unit files with the commissioner prior to the fifteenth day of January of such year a written application for termination of coverage(~~(- PROVIDED, FURTHER, That the provisions of RCW 50.04.200 to the contrary notwithstanding, public port districts may elect to cover the services of all or any distinct class or group of individuals in its employ on a contribution basis; such election shall preclude said port districts from covering contemporaneous services of any other class or group of employees under the provisions of RCW 50.44.030)~~).

Sec. 13. Section 19, chapter 3, Laws of 1971 and RCW 50.44.020 are each amended to read as follows:

Commencing with benefit years beginning on or after January 28, 1971, services performed subsequent to September 30, 1969 in the employ of this state or any of its wholly owned instrumentalities or jointly owned instrumentalities of this state and another state or this state and one or more of its political subdivisions shall be deemed services in employment unless such services are excluded from the term employment by RCW 50.44.040.

The state shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of RCW 50.44.060: PROVIDED, HOWEVER, That for weeks of unemployment beginning after January 1, 1979, the state shall pay in addition to the full amount of regular and additional benefits so attributable the full amount of extended benefits so attributable: PROVIDED, FURTHER, That no payment will be required from the state until the expiration of the twelve-month period following the end of the biennium in which the benefits attributable to such employment were paid. The amount of this payment shall include an amount equal to the amount of interest that would have been realized for the benefit of the unemployment compensation trust fund had such payments been received within thirty days after the day of the quarterly billing provided for in RCW 50.44.060(2)(a).

Sec. 14. Section 20, chapter 3, Laws of 1971 as amended by section 2, chapter 35, Laws of 1972 ex. sess. and RCW 50.44.030 are each amended to read as follows:

~~(Any political subdivision of this state or any instrumentality of a political subdivision may elect to cover the services of all or any distinct class or group of individuals in its employ: PROVIDED, HOWEVER, That public utility districts and public power authorities may not elect coverage under this section: PROVIDED, FURTHER, That any political subdivision of this state or any instrumentality of a political subdivision which elects to cover the services of any employees in an institution of higher education or hospital operated by said political subdivision or instrumentality shall cover the services of all employees in all institutions of higher education and all hospitals operated by said political subdivision or instrumentality.~~

~~For the purposes of this chapter the term "hospital" means any institution primarily engaged in the treatment of emotional or physical disability which provides, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel and those components, of other institutions, which are primarily engaged in the treatment of emotional or physical disability and which~~

provide, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel:

For the purposes of this chapter, the term "institution of higher education" means an educational institution in this state which

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other nonprofit institution;

(5) Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".

Services covered by the election performed subsequent to the date of such election shall be deemed services in employment unless such services are excluded from the term "employment" by RCW 50.44.040.

Any political subdivision or instrumentality electing coverage under this section shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of RCW 50.44.060.

An election under the provisions of this section shall be for no less than two calendar years. A political subdivision or instrumentality of a political subdivision desiring to terminate coverage may do so by filing a written application for termination of coverage no later than the December fifteenth preceding the calendar year with respect to which such termination is to be effective. Termination of coverage will not relieve the political subdivision or instrumentality of a political subdivision of the obligation to reimburse the unemployment compensation fund for all benefits paid attributable to service performed during the covered period in the employ of such political subdivision or instrumentality of a political subdivision.))

(1) All services performed for each political subdivision or instrumentality of one or more political subdivisions of this state or one or more political subdivisions of this state and any other state after December 31, 1977, will be deemed to be services in employment to the extent coverage is not exempted under RCW 50.44.040.

(2) All such units of government shall file, before December 15, 1977, a written registration with the commissioner of the employment security department. Such registration shall specify the manner in which the unit of government will finance the payment of benefits. The elections available to counties, cities and towns are the local government tax, provided for in section 15 of this 1977 amendatory act, or payments in lieu of contributions, as described in RCW 50.44.060. The elections available to other units of government are the contributions plan in chapters 50.24 and 50.29 RCW, or payments in lieu of contributions, described in RCW 50.44.060. Under any election the governmental unit will be charged the full amount of regular and additional benefits attributable to its account plus one-half the amount of extended benefits so attributable: PROVIDED, HOWEVER, That beginning with weeks of unemployment commencing after January 1, 1979, the unit of government which is financing the payment of benefits under the payment in lieu of contributions option shall, in addition to paying the full amount of regular and additional benefits attributable to its account, pay the full amount of extended benefits so attributable.

(3) Any political subdivision or instrumentality of more than one political subdivision of this state is hereby authorized to enter into agreements with other political subdivisions or instrumentalities of more than one political subdivision of this

state to form pool accounts for the purpose of making payments in lieu of contributions. These accounts shall be formed and administered in accordance with applicable regulations. The formation of such accounts shall not relieve the governmental unit of the responsibility for making required payments in the event that the pool account does not make the payments.

NEW SECTION. Sec. 15. There is added to chapter 3, Laws of 1971 and to chapter 50.44 RCW a new section to read as follows:

(1) Any county, city or town not electing to make payments in lieu of contributions shall pay a "local government tax." Taxes paid under this section shall be paid into an administratively identifiable account in the unemployment compensation fund. This account shall be self-sustaining. For calendar years 1978 and 1979 all such employers shall pay local government tax at the rate of one and one-quarter percent of all remuneration paid by the governmental unit for services in its employment. For each year after 1979 each such employer's rate of tax shall be determined in accordance with this section: **PROVIDED, HOWEVER,** That whenever it appears to the commissioner that the anticipated benefit payments from the account would jeopardize reasonable reserves in this identifiable account the commissioner may at the commencement of any calendar quarter, impose an emergency excess tax of not more than one percent of remuneration paid by the participating governmental units which "excess tax" shall be paid in addition to the applicable rate computed pursuant to this section until the calendar year following the next September 1.

(2) A reserve account shall be established for each such employer.

(a) The "reserve account" of each such employer shall be credited with tax amounts paid and shall be charged with benefit amounts charged in accordance with the formula set forth in RCW 50.44.060 as now or hereafter amended except that such employer's account shall be charged for the full amount of extended benefits so attributable for weeks of unemployment commencing after January 1, 1979. Such credits and charges shall be cumulative from January 1, 1978.

(b) After the cutoff date, the "reserve ratio" of each such employer shall be computed by dividing its reserve account balance as of the computation date by the total remuneration paid during the preceding calendar year for services in its employment. This division shall be carried to four decimal places, with the remaining fraction, if any, disregarded.

(3) A "benefit cost ratio" for each such employer shall be computed by dividing its total benefit charges during the thirty-six months ending on June 30 by its total remuneration during the three preceding calendar years: **PROVIDED,** That after August 31 in 1979 each employer's total benefit charges for the twelve months ending on June 30 shall be divided by its total remuneration paid in the last three quarters of calendar year 1978; and after August 31 in 1980 each employer's total benefit charges for the twenty-four months ending June 30 shall be divided by its total remuneration paid in the last three calendar quarters of 1978 and the four calendar quarters of 1979. Such computations shall be carried to four decimal places, with the remaining fraction, if any, disregarded.

(4) For each such employer its benefit cost ratio shall be subtracted from its reserve ratio. One-third of the resulting amount shall be subtracted from its benefit cost ratio. The resulting figure, expressed as a percentage and rounded to the nearest tenth of one percent, shall become its local government tax rate for the following rate year. For the rate year 1980 no tax rate shall be less than 0.6 percent nor more than 2.2 percent. For 1981 no tax rate shall be less than 0.4 percent nor more than 2.6 percent. For years after 1981 no tax rate shall be less than 0.2 percent or more than 3.0 percent. No individual rate shall be increased any more than 1.0 percent from one rate year to the next.

(5) Any county, city or town electing participation under this section at any time after December 15, 1977, shall be assigned a tax rate of one and one-quarter percent of total remuneration for the first eight quarters of the participation.

(6) Each year after 1980 the commissioner shall review the local government tax system and make recommendations to the legislature for changes in said system.

(7) "Local government tax" shall be deemed to be "contributions" to the extent that such usage is consistent with the purposes of this title. Such construction shall include but not be limited to those portions of this title and the rules and regulations enacted pursuant thereto dealing with assessments, interest, liens, collection procedures and remedies, administrative and judicial review, and the imposition of administrative, civil and criminal sanctions.

NEW SECTION. Sec. 16. There is added to chapter 3, Laws of 1971 and to chapter 50.44 RCW a new section to read as follows:

For the purposes of this chapter, the term "institution of higher education" means an educational institution in this state which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".

Sec. 17. Section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 67, Laws of 1975 1st ex. sess. and RCW 50.44.040 are each amended to read as follows:

The term "employment" as used in RCW 50.44.010, 50.44.020, and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) Before January 1, 1978, in the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education" (; ~~or in the employ of a nongovernmental pre-school. A pre-school is an organization devoted exclusively to the area of child development training of preschool-age children through an established curriculum of formal classroom and/or laboratory instruction);~~ or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

(6) For a ~~((hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution))~~ custodial or penal institution by an inmate of the custodial or penal institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers; or

(10) Before January 1, 1978, in the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis; or

(11) Before January 1, 1978, in the employ of the legislature of the state of Washington by an individual who is compensated pursuant to an agreement which provides for a guaranteed rate of compensation for irregular hours worked; or

(12) In the employ of a nongovernmental preschool which is devoted exclusively to the area of child development training of preschool age children through an established curriculum of formal classroom or laboratory instruction which did not employ four or more individuals on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week; or

(13) After December 31, 1977, in the employ of the state or any of its instrumentalities or political subdivisions of this state in any of its instrumentalities by an individual in the exercise of duties:

(a) As an elected official;

(b) As a member of the national guard or air national guard; or

(c) In a policymaking position the performance of the duties of which ordinarily do not require more than eight hours per week.

Sec. 18. Section 22, chapter 3, Laws of 1971 as last amended by section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 50.44.050 are each amended to read as follows:

Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title: PROVIDED HOWEVER, That benefits based on service in an instructional, research or principal administrative capacity in an ~~((institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for an institution or institutions of higher~~

education for both such academic years or both such terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term: ~~PROVIDED FURTHER, That benefits based on service in an instructional, research, or principal administrative capacity in an educational institution other than an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity in an educational institution or institutions other than an institution of higher education for both such academic years or both such terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term: PROVIDED FURTHER, That~~) educational institution shall not be paid to an individual for any week of unemployment suffered after December 31, 1977, which commences during the period between two successive academic years or during the period between two terms, successive or otherwise, or during a period of paid sabbatical leave provided in the individual's contract if the individual performs the services in the first of the academic years or terms and there is a contract or a reasonable assurance that the individual will perform services in the capacity for any educational institution in the second of the academic years or terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term. Any employee of a common school district who is (~~conclusively~~) presumed to (~~have been~~) be reemployed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

Benefits shall not be paid based on services in any other capacity for an educational institution (other than an institution of higher education as defined in section 15 of this amendatory act) for any week of unemployment suffered after December 31, 1977, which commences during the period between two successive academic years or during the period between two terms, successive or otherwise, if the individual performs these services in the first of such academic years or terms and there is an individual contract or an individual written notice to the employee that the individual will perform services for an educational institution (other than an institution of higher education as defined in section 15 of this amendatory act) in the second of the academic years or terms; or during any nonwork period occurring during a term that does not diminish the individual's salary for the term.

Sec. 19. Section 23, chapter 3, Laws of 1971 and RCW 50.44.060 are each amended to read as follows:

Benefits paid to employees of "nonprofit organizations" shall be financed in accordance with the provisions of this section. For the purpose of this section and RCW 50.44.070, the term "nonprofit organization" is limited to those organizations described in RCW 50.44.010, and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment which begin during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

(a) (~~Any nonprofit organization which is, or becomes, subject to this title on January 1, 1972 may elect to become liable for payments in lieu of contributions for~~

a period of not less than one taxable year beginning with January 1, 1972: PROVIDED, That it files with the commissioner a written notice of its election within the thirty-day period immediately following such date.

~~(b))~~ Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.

~~((e))~~ ~~(b)~~ Any nonprofit organization which makes an election in accordance with paragraph~~(s)~~ ~~(a)~~ ~~((or(b)))~~ of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

~~((d))~~ ~~(c)~~ Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

~~((e))~~ ~~(d)~~ The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

~~((f))~~ ~~(c)~~ The commissioner, in accordance with such regulations as he may prescribe, shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) ~~((For 1972, six-tenths of one percent of its total payroll for 1971.~~

~~(B) For years after 1972, such))~~ The percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such

determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

~~((C))~~ (B) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (c). If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount ~~((payable))~~ payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraphs (a) ~~((or (b)))~~ through (d) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

~~((4) Notwithstanding any other provisions in this section, any nonprofit organization which prior to January 1, 1969, paid contributions into the unemployment~~

compensation fund, and pursuant to this section, elects, within thirty days after January 1, 1972 to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular, additional, or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization:))

NEW SECTION. Sec. 20. There is added to chapter 35, Laws of 1945 and to chapter 50.98 RCW a new section to read as follows:

(1) Effective with benefit years beginning on and after January 1, 1978, base year wages shall include remuneration paid for previously uncovered services: **PROVIDED**, That the maximum benefits payable to an individual as computed for the benefit year will be reduced to the extent that benefits were paid on the basis of identical calendar quarters of the previously uncovered services with respect to a claim filed by the individual under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974. Benefits will be paid, subject to the provisions of this title, based upon the previously uncovered services to the extent that the unemployment compensation trust fund will be reimbursed for the cost thereof by the federal government under section 121 of PL 94-566 and regulations published by the secretary of labor relating thereto.

(2) For the purposes of this section, the term "previously uncovered services" means services performed before January 1, 1978, which are not employment as defined in Title 50 RCW at any time during the one year period ending December 31, 1975, and which:

(a) Is agricultural labor as defined in RCW 50.04.150 and covered by section 3 of this 1977 amendatory act or domestic services as defined in and covered by RCW 50.04.160; or

(b) Is service performed by an employee of this state or a political subdivision of this state newly covered by this 1977 amendatory act or by an employee of a nonprofit educational institution which is not an institution of higher education as provided in RCW 50.44.040(3).

(3) Any nonprofit organization or governmental entity electing to make payments in lieu of contributions shall not be liable to make payments with respect to benefits paid any individual whose base year wages include wages for previously uncovered services as defined in subsection (2) (a) and (b) of this section to the extent that the unemployment compensation fund is reimbursed for the benefits under section 121 of PL 94-566.

(4) Benefits paid any individual whose base year wages include wages for previously uncovered services as defined in subsection (2) (a) and (b) of this section shall not be charged to the experience rating account of any contribution paying employer to the extent that the unemployment compensation fund is reimbursed for the benefits under section 121 of PL 94-566.

NEW SECTION. Sec. 21. There is added to chapter 35, Laws of 1945 and to chapter 50.98 RCW a new section to read as follows:

This 1977 amendatory act has been enacted to meet the requirements imposed by the federal unemployment tax act as amended by PL 94-566. Internal references in any section of this 1977 amendatory act to the provisions of that act are intended only to apply to those provisions as they existed as of the effective date of this 1977 amendatory act.

In view of the importance of compliance of this 1977 amendatory act with the federal unemployment tax act, any ambiguities contained herein should be resolved in a manner consistent with the provisions of that act. Considerable weight has been given to the commentary contained in that document entitled "Draft Language and Commentary to Implement the Unemployment Compensation Amendments of 1976

PL. 94-566", published by the United States department of labor, employment and training administration, and that commentary should be referred to when interpreting the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 22. There is appropriated to the employment security department from the general fund for the portion of the 1977-1979 biennium ending June 30, 1978, the sum of 1,044,800 dollars, or so much thereof as may be necessary, for the purpose of operating a quality control program similar to the pilot quality program project which ended in 1976, in local employment security offices, and for increased audits and investigations of employers subject to Title 50 RCW.

NEW SECTION. Sec. 23. The commissioner is authorized, with the approval of the governor, to collect from the three-tenths of one percent increase in employer contributions provided in section 10 of chapter — (REHB 563), Laws of 1977 1st ex. sess., for the period July 1, 1978, through June 30, 1979, nine and one-tenth of one percent of the additional revenue generated by the three-tenths of one percent increase, or so much thereof as may be deemed appropriate by the commissioner, to be deposited in the administrative contingency fund, one-half of such deposit to be expended for the quality control program funded in section 21 of this amendatory act and one-half for increased audits and investigations of employers subject to Title 50 RCW. In determining the amount of the deposit, if any, authorized by this section, the commissioner and the governor shall consider the impact any such deposit would have on employer contributions required by the federal government for the repayment of a loan from the federal unemployment trust fund.

Sec. 24. Section 60, chapter 35, Laws of 1945 as last amended by section 4, chapter 73, Laws of 1973 and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) interest earned upon any moneys in the fund,

(3) any property or securities acquired through the use of moneys belonging to the fund,

(4) all earnings of such property or securities,

(5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, and all sums recovered on official bonds for losses sustained by the fund and sums collected pursuant to section 23 of this amendatory act: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The

amount in this fund (~~in excess of~~) that exceeds the amount deposited pursuant to section 23 of this amendatory act by one hundred thousand dollars on the close of business of the last day of each calendar quarter shall be immediately transferred to this state's account in the unemployment trust fund. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

NEW SECTION. Sec. 25. Section 21, chapter 35, Laws of 1945, section 7, chapter 265, Laws of 1951, section 1, chapter 276, Laws of 1953, section 1, chapter 8, Laws of 1953 ex. sess., section 9, chapter 3, Laws of 1971 and RCW 50.04.200 are each repealed on January 1, 1978.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) Section 26, chapter 35, Laws of 1945 and RCW 50.04.250; and

(2) Section 27, chapter 35, Laws of 1945, section 1, chapter 265, Laws of 1951 and RCW 50.04.260.

NEW SECTION. Sec. 27. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately: **PROVIDED,** That sections 6, 12, 14, 15, 16, and 18 of this 1977 amendatory act shall take effect on January 1, 1978."

On page 1, line 9 of the title, after "RCW 50.04.300;" and before "amending" insert "amending section 44, chapter 35, Laws of 1945 as last amended by section 11, chapter 3, Laws of 1971 and RCW 50.12.050; amending section 60, chapter 35, Laws of 1945 as last amended by section 4, chapter 73, Laws of 1973 and RCW 50.16.010:"

On page 2, line 3 of the title after "RCW 50.04.260;" delete the remainder of the title and insert "making an appropriation; providing effective dates; and declaring an emergency.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Ridder moved the Senate do concur in the House amendments with the exception of Sections 22 and 23 and the new language on pages 30 and 31.

Debate ensued.

Senator Grant demanded a roll call and the demand was sustained by Senators Washington, Walgren, Day, Jones, Wojahn, Bottiger, Ridder, Francis and Wojahn.

PARLIAMENTARY INQUIRY

Senator Clarke: "Matter of parliamentary inquiry. I am still somewhat confused. What will the effect of a vote 'yes' or 'no' on this particular motion have on subsequent motions of like character?"

REPLY BY THE PRESIDENT

President Cherberg: "The Senate would also request of the House that it recede from its position on sections 22 and 23 and the new language on pages 30 and 31."

FURTHER PARLIAMENTARY INQUIRY

Senator Clarke: "In other words, a vote on this particular amendment would not preclude such a subsequent motion by Senator Mardesich."

FURTHER REPLY BY THE PRESIDENT

President Cherberg: "If Senator Ridder's motion receives a negative response, then the President would assume that the Senate has not concurred in the House amendment to the Senate measure."

FURTHER PARLIAMENTARY INQUIRY

Senator Clarke: "Yes, but that would be to the entire proposal, then the question would automatically go to the problem of requesting a conference?"

FURTHER REPLY BY THE PRESIDENT

President Cherberg: "Eventually, the President believes so, Senator Clarke."
Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Ridder that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2480, with the exception of Sections 22 and 23 and the new language on pages 30 and 31.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 21; nays, 22; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Herr, Keefe, Odegaard, Peterson, Ridder, Talley, Van Hollebecke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—21.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Jones, Lewis, Mardesich, Marsh, Matson, Newschwander, North, Pullen, Rasmussen, Sandison, Scott, Sellar, Wanamaker, Woody—22.

Absent or not voting: Senators Henry, Monohon—2.

Excused: Senators McDermott, Morrison, Murray—3.

MOTION

On motion of Senator Mardesich, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2480, and asks the House for a conference thereon.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed SENATE BILL NO. 2493, with the following amendments:

On page 1 strike everything after the enacting clause and insert the following:
"NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The district board of trustees of any community college district currently operating an educational program with funds provided by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more community college districts, shall provide for the award or denial of tenure to anyone who holds a special faculty appointment in such curricular program and for as long as the program continues to be funded in such manner, utilizing the prescribed probationary processes and procedures set forth in this chapter with the exception that no student representative shall be required to serve on the review committee defined in RCW 28B.50.851: **PROVIDED**, That such review processes and procedures shall not be applicable to faculty members whose contracts are renewed after the effective date of this 1977 amendatory act and who have completed at least three consecutive years of satisfactory full time service in such program, who shall be granted tenure by the community college district: **PROVIDED FURTHER**, That faculty members who have completed one year or more of satisfactory full time service in such program shall be credited with such service for the purposes of this section: **PROVIDED, FURTHER**, That provisions relating to tenure for faculty under the provisions of this section shall be distinct from provisions relating to tenure for other faculty of the community college district and faculty appointed to such special curricular program shall be treated as a separate unit as respects selection, retention, reduction in force or dismissal hereunder: **AND PROVIDED FURTHER**, That the provisions of this section shall only be applicable to faculty holding a special faculty appointment in an educational program operated in a state correctional institution pursuant to a written contract with a community college district.

Sec. 2. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 17, chapter 62, Laws of 1973 and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

Every trustee shall be a resident and qualified elector of his community college district. No trustee may be an employee of the community college system, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority of any municipal corporation.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

NEW SECTION. Sec. 3. Notwithstanding any other provisions of law, the terms for present members of the community college boards of trustees shall be

extended for a period of six months, or not later than October 1st of the year of expiration, to carry out the purposes of section 2 of this 1977 amendatory act.

Sec. 4. Section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 62, Laws of 1973 and RCW 28B.50.090 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the community college boards of trustees, prepare a single budget for the support of the state system of community colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the community college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education: PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational-technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district;

(b) that each community college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, he would not be competent to profit from the curriculum offerings of the community college, or would, by his presence or conduct, create a disruptive atmosphere within the community college not consistent with the purposes of the institution;

(4) Prepare a comprehensive master plan for the development of community college education and training in the state; and assist the office of program planning and fiscal management in the preparation of enrollment projections to support plans for providing adequate community college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community colleges with respect to:

- (a) qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,
- (b) internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,
- (c) the content of the curriculums and other educational and training programs, and the requirements, degrees and diplomas awarded by the colleges,
- (d) standard admission policies;
- (8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various community college districts;
- (9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;
- (10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;
- (11) Authorize the various community colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;
- (12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community college real and personal property, except such property as is received by a community college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community college system;
- (13) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

The college board shall have the power of eminent domain.

Sec. 5. Section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

- (1) Shall operate all existing community colleges and vocational-technical institutes in its district;
- (2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);
- (3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;
- (4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community college or colleges under its control, and notwithstanding any other provision of law, publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: **PROVIDED**, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: **PROVIDED, FURTHER**, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B-15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes.

(17) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association; and

~~((+7))~~ (18) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 6. Section 28B.50.300, chapter 223, Laws of 1969 ex. sess. as amended by section 73, chapter 81, Laws of 1971 and RCW 28B.50.300 are each amended to read as follows:

Title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the date of passage of this act by or for a school district and obtained identifiably with federal, state or local funds appropriated for community college purposes or post-high school vocational educational purposes, or used or obtained with funds budgeted for community college purposes or post-high school vocational educational purposes, or used or obtained primarily for community college or vocational educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the state board for community college education: PROVIDED, That cash, funds, accounts or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before April 3, 1967 for community college purposes shall remain with and continue to be, after April 3, 1967, an asset of the school district: AND PROVIDED FURTHER, That any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for community college purposes: AND PROVIDED FURTHER, That unexpended funds of a common school district derived from the sale, prior to July 1, 1967, of bonds authorized for any purpose which includes community college purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

((For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a community college is located, and the president of each community college, shall each submit to the state board of education, and the state board for community college education within sixty days of April 3, 1967, an inventory listing all real estate, personal property;

~~choses in action, and other assets, held by a school district, which under the criteria of this section, will become the assets of the state board for community college education: PROVIDED, That assets used "primarily" for community college purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the school year 1965-1966, or if acquired subsequent to July 1, 1966, since its time of acquisition, for community college purposes: PROVIDED, FURTHER, That the ultimate decision and approval with respect to the allocation and disposition of the assets under this section shall be made by the governor, or an advisory committee appointed by him for that purpose. The decision of the governor or his advisory committee may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court or the court of appeals of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.04 RCW.))~~

Sec. 7. Section 38, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.860 are each amended to read as follows:

A tenured faculty member, upon appointment to an administrative appointment ~~((except that of president;))~~ shall be allowed to retain his tenure.

NEW SECTION. Sec. 8. The following acts or parts thereof are hereby repealed:

(1) Section 28B.50.570, chapter 223, Laws of 1969 ex. sess., section 23, chapter 62, Laws of 1973 and RCW 28B.50.570;

(2) Section 28B.50.590, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.590;

(3) Section 28B.50.750, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.750; and

(4) Section 6, chapter 133, Laws of 1972 ex. sess. and RCW 28B.56.060.

NEW SECTION. Sec. 9. Sections 2 and 3 of this 1977 amendatory act shall not take effect until January 1, 1978.

NEW SECTION. Sec. 10. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

On line 1 of the title after "colleges;" strike the remainder of the title and insert the following:

"amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 17, chapter 62, Laws of 1973 and RCW 28B.50.100; amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 62, Laws of 1973 and RCW 28B.50.090; amending section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140; amending section 28B.50.300, chapter 223, Laws of 1969 ex. sess. as amended by section 73, chapter 81, Laws of 1971 and RCW 28B.50.300; amending section 38, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.860; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; repealing section 28B.50.570, chapter 223, Laws of 1969 ex. sess., section 23, chapter 62, Laws of 1973 and RCW 28B.50.570; repealing section 28B.50.590, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.590; repealing section 28B.50.750, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.750; repealing section 6, chapter 133, Laws of 1972 ex. sess. and RCW 28B.56.060; and making effective dates.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendments to Senate Bill No. 2493, with the exception beginning on line 24 commencing

with the proviso through line 35, ending with "section", and asks the House for a conference thereon.

MESSAGE FROM THE HOUSE

May 24, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2268, with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:
 "Section 1. Section 43.03.050, chapter 8, Laws of 1965 as last amended by section 94, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.050 are each amended to read as follows:

(1) The director of the office of program planning and fiscal management shall prescribe ((for all state agencies per diem rates of allowance, not exceeding twenty-five dollars in lieu of)) reasonable allowances to cover reasonable and necessary subsistence and lodging ((to)) expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty ((, but within the state of Washington, and not exceeding thirty-five dollars per day while engaged on official business elsewhere)). The director of the office of program planning and fiscal management may ((within the limits established herein)) prescribe and regulate the ((per diem rates to be allowed)) allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of program planning and fiscal management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to ((reimbursement)) payment of travel expenses, shall be ((reimbursed)) paid pursuant to ((a)) special ((schedule at the daily)) per diem rates prescribed in accordance with subsection (1) of this section by the office of program planning and fiscal management ((, for each day or portion thereof spent on official business of the board, commission, or committee)).

(3) The initial schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be subject to legislative approval.

Sec. 2. Section 43.03.060, chapter 8, Laws of 1965 as last amended by section 95, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.060 are each amended to read as follows:

(1) Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate not to exceed ((thirteen cents a mile shall be allowed)) the rate established by the director of the office of program planning and fiscal management shall be allowed. The maximum rate established by the director shall be based on the estimated cost of using a privately-owned vehicle on state business.

(2) The director of the office of program planning and fiscal management may ((within the limits established in this section)) prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed: PROVIDED, That reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous and economical to the state.

(3) The initial maximum mileage rate established by the director of the office of program planning and fiscal management pursuant to this section and any subsequent changes thereto shall be subject to legislative approval.

NEW SECTION. Sec. 3. There is added to chapter 43.03 RCW a new section to read as follows:

"Legislative approval" for purposes of RCW 43.03.050 and 43.03.060 both as now or hereafter amended and sections 3 and 4 of this 1977 amendatory act shall consist of either a favorable vote by the senate ways and means committee and the house of representatives appropriations committee during times when the legislature is in session or a favorable vote by the legislative budget committee during periods when the legislature is not in session or has been in recess for three or more days.

NEW SECTION. Sec. 4. There is added to chapter 43.03 RCW a new section to read as follows:

The allowances prescribed pursuant to RCW 43.03.050 as now or hereafter amended may be paid as reimbursements to individuals for subsistence and lodging expenses during official travel. Alternatively, amounts not exceeding those allowances may be paid directly to appropriate suppliers of subsistence and lodging, when more economical and advantageous to the state, under general rules and regulations adopted by the director of the office of program planning and fiscal management with the advice of the state auditor. Payments to suppliers for subsistence and lodging expenses of individuals in travel status shall not result in a cost to the state in excess of what would be payable by way of reimbursements to the individuals involved.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately except that any new schedule of allowances under either RCW 43.03.050 and 43.03.060 as now or hereafter amended shall not be effective until July 1, 1977 or later."

On page 1, on line 1 of the title, after "government;" strike the remainder of the title and insert "amending section 43.03.050, chapter 8, Laws of 1965 as last amended by section 94, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.050; amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 95, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.060; adding new sections to chapter 43.03 RCW; and declaring an emergency.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 2268, and asks the House for a conference thereon.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2082.

MESSAGE FROM THE HOUSE

May 25, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2082, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

May 19, 1977.

Mr. President

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 2082 as amended by the House, establishing procedures for abolishing state agencies, have had the same under consideration, and we recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Gould and Wilson; Representatives Ehlers, Taller and Walk.

MOTION

On motion of Senator Wilson, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2082 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2082, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Excused: Senators McDermott, Morrison, Murray—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2082, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 70.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 70, by Committee on State Government (originally sponsored by Representatives O'Brien, Nelson (Gary), Ehlers, Burns, Greengo, Knedlik and Lysen) (by Governor Evans request):

Providing for an office and advisory council on archaeology and historic preservation.

MOTION

On motion of Senator von Reichbauer, Engrossed Substitute House Bill No. 70 was made a special order of business for 2:00 p.m., May 26, 1977.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2480, and the House amendments thereto: Senators Ridder, Morrison and Mardesich.

MOTION

On motion of Senator Marsh, the Conference Committee appointments were confirmed.

MOTION

At 4:17 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, May 26, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 26, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Donohue, Fleming, Mardesich, McDermott and Woody. On motion of Senator Odegaard, Senators Bottiger, Donohue, Fleming, Mardesich, McDermott and Woody were excused.

The Color Guard, consisting of Pages Karen Worthington and Ted Bowden, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"ALMIGHTY GOD, WHO CALLS THE WORLDS INTO BEING, CREATES US IN YOUR OWN IMAGE AND SETS BEFORE US THE WAYS OF LIFE AND DEATH, WE STAND BEFORE YOU IN HUMBLENESS. OUR SPIRITS SOAR IN GRATITUDE FOR THIS LIFE WE DID NOT FASHION WHICH COMES TO US AS A GIFT, FOR THE BEAUTY OF NATURE AND FOR THE MYSTERIOUS DEPTH OF HUMAN NEIGHBORS, FOR THE POSSIBILITIES OF LIFE WHICH SEEM LIMITLESS. YET IN THE MIDST OF OUR SOARING, WE FIND OURSELVES CONFRONTED WITH PROBLEMS WHICH FRUSTRATE US, PETTINESS WHICH DEMEANS US AND CONFLICTS WHICH TEAR AT OUR VERY HEARTS. WE SENSE THAT WE ARE MEANT TO FLY, BUT FIND THAT THE BURDENS OF OUR DAILY ROUNDS KEEP US FIRMLY GROUNDED ON THE LAND. AND SO WE PAUSE THIS DAY TO ASK THAT YOU WILL PROVIDE THE STRENGTH AND THE COURAGE TO TAKE THESE PROBLEMS, THIS PETTINESS, THESE CONFLICTS AND BURDENS AND TURN THEM INTO VEHICLES FOR NOBILITY. MAY OUR WORK AND OUR LIVES FIND A HELPFUL PLACE IN YOUR MYSTERIOUS DESIGN OF HISTORY AND LIFE. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

May 24, 1977.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2081,
 SENATE BILL NO. 2189,
 SENATE BILL NO. 2200,
 SENATE BILL NO. 2288,
 SUBSTITUTE SENATE BILL NO. 2399,
 SENATE BILL NO. 2400,
 SENATE BILL NO. 2408,
 SUBSTITUTE SENATE BILL NO. 2489,
 SUBSTITUTE SENATE BILL NO. 2565,
 SUBSTITUTE SENATE BILL NO. 2591,

SUBSTITUTE SENATE BILL NO. 2619,
 SENATE BILL NO. 2831,
 SENATE BILL NO. 2868,
 SENATE BILL NO. 3004,
 SENATE BILL NO. 3058, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2156.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2156, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

May 18, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2156, permitting certain corporations of health care professionals to act as self-insurers against liability, have had the same under consideration, and we recommend that the House amendment to page 1, line 16, be not adopted and recommend that the following amendment be adopted:

On page 1, line 16, after "code." strike the balance of the section and insert "An association or other entity composed of five hundred or more health care professionals licensed pursuant to chapters 18.71 or 18.88 RCW, or an association or other entity composed of at least one-third of the health care professionals licensed pursuant to any of the following chapters: 18.22, 18.25, 18.32, or 18.57 RCW, and, if composed of more than five hundred members, meeting capital and surplus requirements set forth in RCW 48.05.340(1), or, if composed of less than five hundred members, meeting one-third of the capital and surplus requirements set forth in RCW 48.05.340(1), after a written determination by the insurance commissioner that insurance for claims brought under chapter 7.70 RCW is either unavailable or cost-prohibitive from a licensed insurance carrier, may join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against claims brought under chapter 7.70 RCW through a contributing trust fund and shall not be deemed an "insurer" under this code: PROVIDED, That each health professional mutual corporation shall submit a financial and operational report annually to the legislative budget committee and the insurance commissioner."

Signed by: Senators Day and Woody; Representatives Douthwaite, Haley and Grier.

MOTION

Senator Day moved the report of the Free Conference Committee on Engrossed Senate Bill No. 2156 be adopted.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained by Senators Day, Jones, Herr, Washington, Talley, Ridder, Wojahn, Bullington and Wanamaker.

The President declared the question before the Senate to be the motion by Senator Day that the report of the Free Conference Committee on Engrossed Senate Bill No. 2156 be adopted.

ROLL CALL

The Secretary called the roll and the report of the Free Conference Committee was adopted by the following vote: Yeas, 34; nays, 8; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bullington, Day, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Monohon, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebecke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—34.

Voting nay: Senators Benitz, Clarke, Guess, Jones, Matson, Morrison, Newschwander, Scott—8.

Excused: Senators Bottiger, Donohue, Fleming, Mardesich, McDermott, Woody—6.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2156, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bullington, Day, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebecke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Voting nay: Senators Benitz, Clarke, Guess, Jones, Newschwander, Scott—6.

Excused: Senators Bottiger, Donohue, Fleming, Mardesich, McDermott, Woody—6.

ENGROSSED SENATE BILL NO. 2156, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 25, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2107, with the following amendment:

On page 2, line 8, after "FURTHER," strike all material down through and including "person" and insert "That occupant load may be modified based on actual exits provided", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Sellar, the Senate concurred in the House amendment to Substitute Senate Bill No. 2107.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2107, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Francis, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senators Gaspard, von Reichbauer—2.

Excused: Senators Bottiger, Donohue, Fleming, Mardesich, McDermott, Woody—6.

SUBSTITUTE SENATE BILL NO. 2107, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 24, 1977.

Mr. President: The House has passed SENATE BILL NO. 2061, with the following amendment:

On page 1, line 7, after "(1)" strike all material through "compile" and insert "~~((Immediately upon July 16, 1973 begin to compile))~~ Compile", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendment to Senate Bill No. 2061.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2061, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senator Bausch—1.

Excused: Senators Bottiger, Donohue, Fleming, Mardesich, McDermott, Woody—6.

SENATE BILL NO. 2061, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 120.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 120, by Committee on Commerce (originally sponsored by Representatives Warnke, Greengo, Paris, Gaines, Dunlap, Bond, Fancher, Knedlik, Leckenby, Salatino and Struthers):

Establishing a business license center.

REPORT OF STANDING COMMITTEE

May 5, 1977.

SUBSTITUTE HOUSE BILL NO. 120, establishing a business license center (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 1, after "including" strike "detail" and insert "general".

On page 5, line 34, insert a new subsection as follows:

"(h) Chairman, liquor board;"

Reletter remaining subsections consecutively.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendments were adopted.

On motion of Senator Van Hollebeke, the following amendments were adopted:

On page 7, beginning on line 32, strike all matter down through "18.04.220;" on line 34, and insert:

"(7) Section 22, chapter 226, Laws of 1949, section 26, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.230;"

On page 8, beginning on line 34, strike all of section 10.

Senator Van Hollebeke moved adoption of the following amendment to the title:

On page 1, line 11 of the title, after "18.04.210;" strike all matter down through "18.04.220;" on line 14 and insert "repealing section 22, chapter 226, Laws of 1949, section 26, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.230;"

POINT OF INQUIRY

Senator Goltz: "Would Senator Van Hollebeke yield? Before we advance the bill, I would like to have a clear understanding as to why in the technical amendment where we strike 'RCW 18.04.230' which is the public accountant's registration committee. That seems to me to be more than a technical amendment. Why are we eliminating that committee?"

Senator Van Hollebeke: "I don't think there is any licensing required there that would be pertinent to this statute, and it wasn't intended to be in there originally. It happened by mistake."

The motion by Senator Van Hollebeke carried and the amendment to the title was adopted.

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

On page 2, line 17 of the title, after "78.40.145;" insert "and" and on line 17, strike "making an appropriation;"

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 120, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 120, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Excused: Senators Bottiger, Donohue, Fleming, McDermott, Woody—5.

SUBSTITUTE HOUSE BILL NO. 120, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 228, by Committee on Transportation (originally sponsored by Representatives Conner, Gilliland, Charnley and Berentson):

Providing for the regulation of motor vehicle towing.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Substitute House Bill No. 228 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 228, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—42.

Voting nay: Senator Washington—1.

Excused: Senators Bottiger, Donohue, Fleming, McDermott, Woody—5.

SUBSTITUTE HOUSE BILL NO. 228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:55 a.m., on motion of Senator Walgren, the Senate recessed until 12:30 p.m.

NOON SESSION

The President called the Senate to order at 12:30 p.m.

MOTION

At 12:32 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

MESSAGES FROM THE HOUSE

May 26, 1977.

Mr. President: The Speaker has signed:
SENATE BILL NO. 2453,
SUBSTITUTE SENATE BILL NO. 2731,
SUBSTITUTE SENATE BILL NO. 2956,
SENATE JOINT RESOLUTION NO. 113, and the same are herewith
transmitted.

DEAN R. FOSTER, Chief Clerk.

May 26, 1977.

Mr. President: The House has concurred in the Senate amendment to SUB-
STITUTE HOUSE BILL NO. 153, and has passed the bill as amended by the
Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1977.

Mr. President: The House has concurred in the Senate amendment to
ENGROSSED SUBSTITUTE HOUSE BILL NO. 472, and has passed the bill as
amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 26, 1977.

Mr. President: The House has concurred in the Senate amendment to SUB-
STITUTE HOUSE BILL NO. 662, and has passed the bill as amended by the
Senate.

DEAN R. FOSTER, Chief Clerk.

May 25, 1977.

Mr. President: The Speaker has signed:
SECOND SUBSTITUTE HOUSE BILL NO. 24,
SUBSTITUTE HOUSE BILL NO. 873, and the same are herewith
transmitted.

DEAN R. FOSTER, Chief Clerk.

May 25, 1977.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 165,
HOUSE BILL NO. 313,
SUBSTITUTE HOUSE BILL NO. 395,
HOUSE BILL NO. 444,

HOUSE BILL NO. 753,

HOUSE BILL NO. 921,

HOUSE BILL NO. 1229, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 389.

SECOND READING

ENGROSSED HOUSE BILL NO. 389, by Representatives Berentson, Hansen, Vrooman, Moreau, Kilbury, Struthers and Charnley:

Regulating traffic control devices used when constructing or repairing railroad crossings.

The bill was read the second time by sections.

On motion of Senator Beck, the rules were suspended, Engrossed House Bill No. 389 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 389, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 9; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Clarke, Day, Fleming, Francis, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—36.

Absent or not voting: Senators Bullington, Gaspard, Grant, Guess, Mardesich, Peterson, Sellar, Van Hollebeke, Wojahn—9.

Excused: Senators Bottiger, Donohue, Woody—3.

ENGROSSED HOUSE BILL NO. 389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 459.

SECOND READING

ENGROSSED HOUSE BILL NO. 459, by Representatives Conner, Pearsall, Kilbury, Thompson, Moreau, Nelson (Dick) and Lux:

Affecting workmen's compensation where a change of circumstances has occurred.

REPORT OF STANDING COMMITTEE

April 15, 1977.

ENGROSSED HOUSE BILL NO. 459, affecting workmen's compensation where a change of circumstances has occurred (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, after "therefor))" strike all the matter down to and including "circumstances" on line 13 and insert "Where the application has been granted, compensation and other benefits if in order shall be allowed for periods of time up to sixty days prior to the receipt of such application"

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Morrison, Peterson, Sellar.

The bill was read the second time by sections.

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

Senator Ridder moved the rules be suspended, Engrossed House Bill No. 459, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Francis: "Mr. President; I would like to ask Senator Ridder to explain the bill before it is advanced so we can decide whether or not we need more amendments on it. I can't tell from the calendar here in what way it affects present existing law, and I would like to hear that before we advance it."

Senator Ridder: "OK, the existing law simply says that there shall be no increase or rearrangement operative prior to the time the application was received, and in cases of second injury frequently a worker may be in the hospital for a period of time and not able to submit that application. So the original intent of the bill was to allow that the benefits be payable from the time the medical certification was established rather than the formal time that the claim was received.

"With the committee amendments it simply allows the latitude to the department to make it retroactive up to a period of sixty days, so it does allow for a little more flexibility on the department's behalf."

The motion by Senator Ridder carried. Engrossed House Bill No. 459, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Marsh, Senator Mardesich was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 459, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senators Peterson, Sandison, Van Hollebecke, Walgren—4.

Excused: Senators Donohue, Mardesich, Woody—3.

ENGROSSED HOUSE BILL NO. 459, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 286.

SECOND READING

HOUSE BILL NO. 286, by Representatives Nelson (Gary), North, Fortson and Shinoda:

Authorizing humane societies to purchase, possess, and administer sodium pentobarbital for the sole purpose of euthanizing injured, sick, homeless, or unwanted domestic pets and animals.

REPORT OF STANDING COMMITTEE

April 15, 1977.

HOUSE BILL NO. 286, authorizing humane societies to purchase, possess, and administer sodium pentobarbital for the sole purpose of euthanizing injured, sick, homeless, or unwanted domestic pets and animals (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments:

On line 11 after the period following "animals" insert "Any agency so registered shall not permit a person to administer sodium pentobarbital unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering this drug."

On line 14, strike "purpose" and insert "provisions"

On line 15 after the period following "section" insert "The board may suspend or revoke registration upon determination that the person administering sodium pentobarbital has not demonstrated adequate knowledge as herein provided. This authority is granted in addition to any other power to suspend or revoke registration as provided by law."

Signed by: Senators Gaspard, Chairman; Benitz, Day, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Gaspard, the committee amendments were adopted.

On motion of Senator Gaspard, the rules were suspended, House Bill No. 286, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 286, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Voting nay: Senators Day, Grant, Newschwander—3.

Absent or not voting: Senators Benitz, Peterson, Van Hollebeke—3.

Excused: Senators Donohue, Mardesich, Woody—3.

HOUSE BILL NO. 286, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate resumed consideration of the House Message on Substitute Senate Bill No. 2383.

On May 24, 1977, the House Message was read in the Senate with the House amendment striking everything after the enacting clause and inserting. At that time, Senator Odegaard moved that the Senate do concur in the House amendment.

The motion by Senator Odegaard carried today and the Senate concurred in the House amendment to Substitute Senate Bill No. 2383.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2383, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senators Benitz, Matson, Van Hollebeke—3.

Excused: Senators Donohue, Mardesich, Woody—3.

SUBSTITUTE SENATE BILL NO. 2383, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 2426, with the following amendments:

On page 3, line 21, strike "legislative branch. The" and insert "state legislative branch. The state"

On page 3, line 25, after "purposes," insert "If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW."

On page 4, line 24, after "or" insert "formal"

On page 4, line 25, after "officer" strike the remainder of line 25., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Ridder, the Senate concurred in the House amendments to Reengrossed Senate Bill No. 2426.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2426, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner,

Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senators Matson, Van Hollebeke—2.

Excused: Senators Donohue, Mardesich, Woody—3.

REENGROSSED SENATE BILL NO. 2426, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 70, by Committee on State Government (originally sponsored by Representatives O'Brien, Nelson (Gary), Ehlers, Burns, Greengo, Knedlik and Lysen):

Providing for an office and advisory council on archaeology and historic preservation.

The time having arrived, the Senate commenced consideration of Engrossed Substitute House Bill No. 70.

REPORT OF STANDING COMMITTEE

April 12, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 70, providing for an office and advisory council on archaeology and historic preservation (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 27 strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature hereby finds that the promotion, enhancement, perpetuation, and use of structures, sites, districts, buildings, and objects of historic, archaeological, architectural, and cultural significance is desirable in the interest of the public pride and general welfare of the people of the state; and the legislature further finds that the economic, cultural, and aesthetic standing of the state can be maintained and enhanced by protecting the heritage of the state and by preventing the destruction or defacement of these assets; therefore, it is hereby declared by the legislature to be the public policy and in the public interest of the state to designate, preserve, protect, enhance, and perpetuate those structures, sites, districts, buildings, and objects which reflect outstanding elements of the state's historic, archaeological, architectural, or cultural heritage, for the inspiration and enrichment of the citizens of the state.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Project" means programs leading to the preservation for public benefit of historical properties, whether by state and local governments or other public bodies, or private organizations or individuals, including the acquisition of title or interests in, and the development of, any district, site, building, structure, or object that is significant in American and Washington state history, architecture, archaeology, or culture, and property used in connection therewith, or for its development.

(2) "Historic preservation" includes the protection, rehabilitation, restoration, identification, scientific excavation, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington state history, architecture, archaeology, or culture.

(3) "Preservation officer" means the state historic preservation officer as provided for in section 4 of this 1977 amendatory act, as now or hereafter amended.

(4) "Office" means the office of archaeology and historic preservation as created in section 3 of this 1977 amendatory act, as now or hereafter amended.

(5) "Department" means the department of parks and recreation.

(6) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).

(7) "Council" means the advisory council on historic preservation.

NEW SECTION. Sec. 3. There is hereby established the office of archaeology and historic preservation. All powers, duties, and functions relating to the office vested in the parks and recreation commission and the director of parks and recreation are transferred to the office.

NEW SECTION. Sec. 4. The governor shall appoint the preservation officer and set the salary for the position. The preservation officer shall have a background in program administration, an active involvement in historic preservation, and a knowledge of the national, state, and local preservation programs as they affect the state of Washington.

NEW SECTION. Sec. 5. The preservation officer shall employ such personnel and prescribe their duties as may be necessary to implement the purposes of this chapter. In addition to the preservation officer, there shall be a chief of archaeology and historic preservation, and a minimum professional staff consisting of an architect, archaeologist, historian, and architectural historian shall be employed to meet the federal requirements for funding of the preservation program. The preservation officer shall delegate to the professional staff such functions, powers, and duties necessary to implement the purposes of this chapter. All employees presently employed exclusively or principally in the office shall remain employees subject to the discretion of the preservation officer. All employees shall be governed by the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 6. The preservation officer shall supervise and administer the activities of the office. The preservation officer is authorized:

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archaeology, and culture, and to prepare comprehensive state-wide historic surveys and plans and research and evaluation of surveyed resources for the preparation of nominations to the state and national registers of historic places, in accordance with criteria approved by the advisory council established pursuant to section 9 of this 1977 amendatory act. The nominations shall comply with any standards and regulations promulgated by the United States secretary of the interior for the preservation, acquisition, and development of such properties.

(2) To establish a program of matching grants-in-aid to public agencies, public or private organizations, or individuals for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington state history, architecture, archaeology, and culture.

(3) To promote historic preservation efforts throughout the state state, including private efforts and those of city, county, and state agencies.

(4) To enhance the effectiveness of the state preservation program through the initiation of legislation, the use of varied funding sources, the creation of special purpose programs, and contact with state, county, and city officials, civic groups, and professionals.

(5) To consult with the governor and the legislature on issues relating to the conservation of the man-made environment and their impact on the well-being of the state and its citizens. The office shall submit periodic reports of its activities to the governor and the legislature.

(6) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 7. The preservation officer is empowered to (1) maintain and administer all funds appropriated by the legislature to the office for the purpose of carrying out the duties, functions, and responsibilities of the office under both state and federal law, and (2) to receive, administer, and disburse such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the purposes of this 1977 amendatory act or the federal act, as now or hereafter amended.

NEW SECTION. Sec. 8. The amounts made available for grants to the public agencies, public or private organizations, or individuals for projects for each fiscal year shall be apportioned among program applicants by the preservation officer in accordance with needs as contained in state-wide archaeology and historic preservation plans developed by the office and approved by the governor.

NEW SECTION. Sec. 9. (1) There is hereby established an advisory council on historic preservation, which shall be composed of nine members appointed by the governor as follows:

(a) The director of a state historical society or the director's designee to be selected from (i) the director of the Washington state historical society, (ii) the director of the Eastern Washington state historical society, and (iii) the director of the state capitol historical society, to each serve on the council for one year on a rotating basis, the order of rotation to be determined by the governor;

(b) Six members of the public who are interested and experienced in matters to be considered by the council including the fields of history, architecture, and archaeology;

(c) The director of the Washington archaeological research center or the director's designee; and

(d) A native American.

(2) Each member of the council appointed under subsection (1)(b) and (d) of this section shall serve a four year term: PROVIDED, That those members first appointed shall serve for terms of from one to four years as designated by the governor at the time of appointment, it being the purpose of this subsection to assure staggered terms of office.

(3) A vacancy in the council shall not affect its powers, but shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(4) The chairperson of the council shall be designated by the governor.

(5) Five members of the council shall constitute a quorum.

(6) The council shall cease to exist on June 30, 1982, unless extended by law for an additional fixed period of time.

(7) The office shall provide administrative and financial service to the council.

NEW SECTION. Sec. 10. The council shall:

(1) Advise the governor and the office on matters relating to historic preservation; recommend measures to coordinate activities of state and local agencies, private institutions, and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(2) Review and recommend nominations for the state and national registers of historic places to the preservation officer;

(3) Encourage public interest and participation in historic preservation;

(4) Provide advice and assistance to local governments in drafting ordinances relating to historic preservation;

(5) Encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation; and

(6) Perform the duties of the state review body as may be required by law so long as those duties do not exceed the limitations established by this 1977 amendatory act.

NEW SECTION. Sec. 11. The directors of the state historical societies shall serve as members of the council without additional compensation. All other members of the council shall be reimbursed for travel expenses incurred in the performance of the duties of the council in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

Sec. 12. Section 2, chapter 134, Laws of 1975 1st ex. sess. as amended by section 1, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.020 are each amended to read as follows:

The ~~((location))~~ discovery, identification, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and national registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the Washington archaeological research center, created under the authority of chapter 39.34 RCW as now existing or hereafter amended, is hereby designated as an appropriate agency to carry out these functions. The ~~((director of the state parks and recreation commission))~~ preservation officer, in consultation with the Washington archaeological research center, shall provide guidelines for the selection of depositories designated by the state for archaeological resources. The legislature directs that there shall be full cooperation amongst the office ~~((of archaeology and historic preservation))~~, the Washington archaeological research center, and other agencies of the state.

Sec. 13. Section 3, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

(2) "Historic" means peoples and cultures who are known through written documents in their own or other languages.

(3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(4) "Professional archaeologist" means a person who has ~~((extensive formal training and experience in systematic, scientific archaeology as defined in subsection (1) of this section, and who makes his or her living primarily through research in, teaching of, and/or publication on archaeology, and who is so recognized by members of the profession of archaeology through his or her participation in the activities of professional organizations of archaeologists))~~ met the educational, training, and experience requirements of the society of professional archaeologists.

(5) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists.

(6) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(7) "Preservation officer" means the state historic preservation officer as provided for in section 4 of this 1977 amendatory act.

(8) "Office" means the office of archaeology and historic preservation.

Sec. 14. Section 6, chapter 134, Laws of 1975 1st ex. sess. as amended by section 2, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.060 are each amended to read as follows:

On the private and public lands of this state it shall be unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to ~~((wifutly))~~ knowingly alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, American Indian or aboriginal camp site, dwelling site, rock shelter, cave dwelling site, storage site, grave, burial site, or skeletal remains and grave goods, cairn, or tool making site, or to remove from any such land, site, or area, grave, burial site, cave, rock shelter, or cairn, any skeletal remains, artifact or implement of stone, bone, wood, or any other material, including, but not limited to, projectile points, arrowheads, knives, awls, scrapers, beads or ornaments, basketry, matting, mauls, pestles, grinding stones, rock carvings or paintings, or any other artifacts or implements, or portions or fragments thereof without having obtained written permission from the ~~((director of the state parks and recreation commission))~~ preservation officer for such activities on public property or from the private landowner for such activities on private land. A private landowner may request the ~~((director of the state parks and recreation commission))~~ preservation officer to assume the duty of issuing such permits. The ~~((director))~~ preservation officer must obtain the consent of the public property owner or agency responsible for the management thereof, prior to issuance of the permit. The ~~((director of the state parks and recreation commission))~~ preservation officer, in consultation with the Washington state archaeological research center, shall develop guidelines for the issuance and processing of such permits. Such written permission shall be physically present while any such activity is being conducted. The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground nor to the excavation and removal of artifacts from state owned shorelands below the line of ordinary high water ~~((and from state owned tidelands below the line of ordinary high tide.))~~ or within the intertidal zone.

Sec. 15. Section 8, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.080 are each amended to read as follows:

Qualified or professional archaeologists, in performance of their duties, are hereby authorized to enter upon public lands of the state of Washington and its political subdivisions, at such times and in such manner as not to interfere with the normal management thereof, for the purposes of doing archaeological resource location and evaluation studies, including site sampling activities. Scientific excavations are to be carried out only after appropriate agreement has been made between ~~((the))~~ a professional archaeologist or an institution of higher education and the agency or political subdivision responsible for such lands. Notice of such agreement shall be filed with the Washington archaeological research center and by them to the office ~~((of archaeological and historic preservation))~~. Amateur societies may engage in such activities by submitting and having approved by the responsible agency or political subdivision a written proposal detailing the scope and duration of the activity. Before approval, a proposal from an amateur society shall be submitted to the Washington archaeological research center for review and recommendation.

Sec. 16. Section 9, chapter 134, Laws of 1975 1st ex. sess. as amended by section 4, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.090 are each amended to read as follows:

Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of continued violation of any provision of this chapter shall constitute a distinct and separate offense. ~~((Violations))~~ Offenses shall be reported to the appropriate law enforcement agency or to the ~~((director of the state parks and recreation commission))~~ preservation officer.

NEW SECTION. Sec. 17. Prior to July 1, 1977:

(1) All reports, documents, surveys, books, records, files, and papers or other writings in the possession of the Washington state parks and recreation commission and pertaining to the functions affected by this 1977 amendatory act, shall be delivered to the custody of the preservation officer; and

(2) All funds, credits, appropriations, or other assets held in connection with the functions affected and transferred by this 1977 amendatory act shall be transferred to or assigned to the office: **PROVIDED**, That whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, the director of program planning and fiscal management, or the director's designee, shall make a determination as to the proper allocation and certify the same to the concerned state agencies. If apportionments of budgeted funds are required because of the transfers authorized, the director of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each agency shall make the appropriate transfer and adjustments in funds and appropriation accounts in accordance with such certification.

NEW SECTION. Sec. 18. Nothing in this 1977 amendatory act shall affect any existing rights acquired under the sections amended herein except as to the governmental agencies referred to and their officials and employees; nor shall any actions, activities, or proceedings validated thereunder, any civil or criminal proceedings instituted thereunder, or any rule, regulation, or order promulgated thereunder be affected. The transfer of powers, duties, and functions as provided herein shall not affect the validity of any act performed by the Washington state parks and recreation commission or any officer or employee thereof prior to the effective date of this 1977 amendatory act. Any action pending before the Washington state parks and recreation commission at the time of transfer and pertaining to matters transferred and affected by this 1977 amendatory act shall be continued to be acted upon by the office. All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect and shall be performed by the office.

NEW SECTION. Sec. 19. The office shall utilize the facilities and administrative support of the office of the governor.

NEW SECTION. Sec. 20. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. Sections 1 through 11 and 19 of this 1977 amendatory act shall be added to Title 43 RCW as a new chapter thereof.

NEW SECTION. Sec. 22. The following acts or parts of acts are hereby repealed:

- (1) Section 5, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.050;
- (2) Section 1, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.750;
- (3) Section 2, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.760;
- (4) Section 3, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.770;
- (5) Section 4, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.780;
- (6) Section 5, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.790;
- (7) Section 6, chapter 19, Laws of 1967 ex. sess., section 58, chapter 75, Laws of 1977 and RCW 43.51.800;
- (8) Section 7, chapter 19, Laws of 1967 ex. sess., section 117, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.810; and
- (9) Section 8, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.820."

On page 1, beginning on line 1 of the title after "government;" delete remainder of the title and insert "amending section 2, chapter 134, Laws of 1975 1st ex. sess. as amended by section 1, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.020; amending section 3, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.030; amending section 6, chapter 134, Laws of 1975 1st ex. sess. as amended

by section 2, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.060; amending section 8, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.080; amending section 9, chapter 134, Laws of 1975 1st ex. sess. as amended by section 4, chapter 82, Laws of 1975-'76 2nd ex. sess. and RCW 27.53.090; adding a new chapter to Title 43 RCW; creating new sections; repealing section 5, chapter 134, Laws of 1975 1st ex. sess. and RCW 27.53.050; repealing section 1, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.750; repealing section 2, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.760; repealing section 3, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.770; repealing section 4, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.780; repealing section 5, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.790; repealing section 6, chapter 19, Laws of 1967 ex. sess., section 58, chapter 75, Laws of 1977 and RCW 43.51.800; repealing section 7, chapter 19, Laws of 1967 ex. sess., section 117, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.810; repealing section 8, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.820; and providing penalties."

Signed by: Senators Washington, Chairman; Goltz, Guess, North.

The bill was read the second time by sections.

Senator Washington moved adoption of the committee amendment.

On motion of Senator von Reichbauer, the following amendment to the committee amendment was adopted:

On page 2, line 30, after "officer" and before "and" insert ", with the consent of the Senate."

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

On motion of Senator Washington, the committee amendment to the title was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Substitute House Bill No. 70, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Would Senator Washington yield to a question? Thank you, Senator Washington. As I listened to your explanation, you said that if a person knowingly alters a historic or archeological resource, then that person is in violation of the law."

Senator Washington: "Right."

Senator Pullen: "What is the penalty for violating the law in that way?"

Senator Washington: "It is a misdemeanor."

Senator Pullen: "What if the person doesn't know that it is a historic or archeological site?"

Senator Washington: "You would have to be knowingly—that is the point. You would have to knowingly recognize that you are on an archeological site."

Senator Pullen: "In other words, the 'knowingly' would apply to knowledge that it is an archeological or historic site rather than to the act of altering it."

Senator Washington: "That would be an essential ingredient. If you altered it knowing that it was an archeological site."

POINT OF INQUIRY

Senator Newschwander: "Thank you, Mr. President. I wonder if Senator Odegaard would yield to a question? Senator Donohue doesn't seem to be around, but is the provision in the budget now to fund this so-called new agency?"

Senator Odegaard: "We would have to take care of that, Senator Newschwander, in the conference committee to transfer it from the parks commission into this new office, but as the budget bill passed the Senate, of course, it was within the parks commission and not this new office."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Guess yield to a question? Senator Guess, on page 9, line 209 on the amendment. I thought you had that pink copy in your hand."

Senator Guess: "I do."

Senator Rasmussen: "OK. Is now extending this or within the intertidal zone where you may not remove any artifact that you find."

Senator Guess: "That is right."

Senator Rasmussen: "And that is an extension to the land that is normally exposed. Before that it was below the line of ordinary high water. That I am not too much concerned with. I was going to ask if you would see any problems there, but this other section down below on section 9, it would actually be line 229. 'Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor.' I can see a construction project for a high rise building going down maybe forty, fifty feet for a foundation, coming on archeological find, a mastodon or something like that, or some old Indian artifacts. They must immediately stop work even though they tie up all of their equipment or be subject to a misdemeanor which can be up to a year in jail or two hundred and fifty dollars fine, or five hundred. I don't know which. Maybe it is a thousand dollars. Is this true?"

Senator Guess: "This is true. The job will have to shut down and they will have to bring the archeologist in, Senator, to examine the site. Hopefully, however, that when a company builds in the state of Washington today, under the present laws, they now have to—and this is old language, except we have added 'firm or corporation' to it—any person who would go in and dig into a site preparatory to the construction of a building, the engineer in making the borings and making the findings of fact on the site will assess whether or not the site has any archeological value. And if it does, then he immediately recommends to the agency that is doing the construction that they bring in the people and make sure that the remains can be removed so whatever the value of the diggings would be there, that it would then be preserved."

Senator Rasmussen: "My concern would be that you would stop a project with thousands of dollars per day cost until some of these people come in with their whisk brooms and brush the bones off to see whether they are worth saving, and if I am that contractor, Senator Guess, I would be very unhappy with that delay and with the fact that it might even be determined that it is a site that must be preserved forever, and where I have a forty story building in the process of construction that would irritate me. Now, you know the contractors, and I am very glad that you have examined this bill as carefully as you have."

Further debate ensued.

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Again, further answering Senator Rasmussen, the few times that you run into archeology, it is very generally a remote possibility. The highway department at the present time in going across country does occasionally run into an archeological site, and there has been no real hold up in attempting to go ahead with the work. There are other areas that you can work on, and again, most archeological sites are very close to the surface. We don't have deep archeological

sites like you do in Europe. They are usually the type of sites that can be worked on very quickly. Usually they are not too large and generally your construction project can go on in an area that wouldn't be covered by the archeological site.

"This has been in effect for some years, and we have really run into no problems to date. Again, this is the existing law. I do want to point out that we are not establishing a new position. We are not providing a new office. It is an office that presently exists in the parks department. The people who are employed, their functions are set out by the federal act. We utilize mostly federal money, and those people who are functioning now in the parks commission will be transferred in toto. They are not doing work at the present time for the parks department. They are financed out of additional funds, and it is not proper for them to be doing work for the parks department under the present set up"

"I would also like to point out to Senator Odegaard that at the present time the parks commission, the office under the parks department, does allocate funds, and one of the complaints has been that more than perhaps their share, and of course that is debatable, but other people have made the charge, that this money should not be utilized to such an extent by the parks department, but also should be utilized in the private sector. It should be utilized by counties, it should be utilized by cities. But again, once the funds are turned over, they can be turned over to the parks department, and the parks department can continue to do as it does at the present time.

"This doesn't take away the responsibility for managing the historic sites. It only says that they have to go to an independent agency to get federal funds to set up a historic archeological site."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 70, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; excused, 2.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Marsh, McDermott, Monohon, North, Peterson, Rasmussen, Sandison, Van Hollebeke, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Bullington, Clarke, Day, Jones, Lewis, Matson, Morrison, Murray, Newschwander, Odegaard, Pullen, Ridder, Scott, Sellar, Talley, von Reichbauer, Wanamaker—18.

Excused: Senators Mardesich, Woody—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 70, as amended, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 3002.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 3002, with the following amendments:

On page 3, line 30, after "propagation," strike all material down through and including "enterprises." on line 1, page 4

On page 7, beginning with "or to" on line 15, strike all the material down to and including "resources" on line 17 and insert:

"nor shall anything in this act be construed to interfere with the powers, duties, and authority of the department of fisheries or the department of game to regulate, manage, conserve, and provide for the harvest of fish or wildlife within any area designated as being in the state's scenic river system: PROVIDED, That no hunting shall be permitted in any state park", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Bluechel moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 3002.

POINT OF INQUIRY

Senator Talley: "I wonder if Senator Bluechel would yield? This in no way adds any more rivers to this bill?"

Senator Bluechel: "It doesn't do a thing, in fact, not a thing."

The motion by Senator Bluechel carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3002.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3002, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; excused, 2.

Voting yea: Senators Beck, Bluechel, Bottiger, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Murray, Newschwander, North, Pullen, Ridder, Sandison, Scott, Van Hollebecke, von Reichbauer, Walgren, Washington, Wojahn—31.

Voting nay: Senators Bausch, Benitz, Buffington, Donohue, Henry, Matson, Monohon, Morrison, Odegard, Peterson, Rasmussen, Sellar, Talley, Wanamaker, Wilson—15.

Excused: Senators Mardesich, Woody—2.

ENGROSSED SENATE BILL NO. 3002, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

Senator Marsh moved the Senate now consider Engrossed Substitute House Bill No. 615.

On motion of Senator Pullen, Engrossed Substitute House Bill No. 615 will be considered following Substitute House Bill No. 1278.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 318.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 318, by Committee on Judiciary (originally sponsored by Representatives Hansen, Fortson, Fancher, Gaines, Kilbury, Boldt, Charnley, Amen and Knedlik):

The Senate resumed consideration of Substitute House Bill No. 318 on second reading. The bill had been amended on May 20, 1977. On May 25, 1977, Senator Francis had moved the bill, as amended, be rereferred to the Judiciary Committee.

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

MOTION FOR RECONSIDERATION

On motion of Senator Wilson, the Senate moved to reconsider the vote by which the following amendment by Senators Rasmussen, Donohue, Matson, and Woody was adopted on May 20, 1977:

On page 3, after line 13, insert new sections as follows:

"NEW SECTION, Sec. 4. There is added to Title 58 RCW a new section to read as follows:

The owner of any real property in the state of Washington may transfer by deed not less than one nor more than five acres of such property to a parent, spouse, or child for the exclusive purpose of permitting said parent, spouse, or child to construct thereon one single family residence and necessary out buildings thereto. The deed shall contain a restrictive covenant running with the property reflecting the provisions of this section. Any conveyance of real property meeting the conditions imposed by this section shall be exempt from the provisions of this title.

Sec. 5. Section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land(~~(, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions)~~): PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

~~((5))~~ (4) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land and a local government has approved a binding site plan for the use of the land in accordance with local regulations. The term "site plan" means a drawing to a scale specified by local ordinance and which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; and (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan. A site plan approved by a local government body shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under a local ordinance."

On motion of Senator Wilson, the following amendment to the amendment by Senators Rasmussen, Donohue, Matson and Woody was adopted:

Amend the amendment as follows:

On line 3, after "insert" insert "a" and strike "sections" and insert "section", and beginning on line 19 strike all of the section amending RCW 58.17.040, through and including line 21 on page 3.

The motion by Senator Wilson carried and the amendment, as amended, on reconsideration, was adopted.

MOTION FOR RECONSIDERATION

On motion of Senator Wilson, the Senate moved to reconsider the vote by which the following amendment by Senator Rasmussen to the title was adopted:

In the title, strike everything after "AN ACT" and insert "Relating to real property; amending Section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.180; amending section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040; creating new sections; and adding a new section to Title 58 RCW."

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

In the fourth line of the title amendment, after "8.26.180;" strike all the matter down through "58.17.040;" on line 7.

The motion by Senator Wilson carried and the amendment to the title, as amended, on reconsideration, was adopted.

POINT OF INQUIRY

Senator Francis: "Mr. President, will Senator Wilson yield to a question? Senator Wilson, I don't like this procedure because I have to be relying on questioning you because I don't have the amendment that we have just amended in my book, and I don't have it in front of me, the Donohue amendment that we adopted several days ago.

"What is the effect now of what we have done? Have we completely taken off the Donohue amendments or have we somehow or other tuned them up, and if so, what have we done now to county platting authority and to the requirements that were affected by that amendment when we adopted it the other day?"

Senator Wilson: "Senator Francis, the amendment that we have been dealing with today actually consisted of two parts. The first was an amendment advocated by Senator Donohue which would permit a farmer, for example, to give his sons or his spouse, or one of his other children or parents, title to a tract on his farm between one and five acres in size for the specific purpose of permitting this fellow to build a single family residence thereon.

"The second part of the amendment pertained to the general subdivision authority of the counties, and it is the second part of the amendment which we have now deleted, leaving behind the proposition that Senator Donohue outlined on the floor a couple of days ago."

Senator Francis: "In other words, Senator, you are saying that we now, after having made these amendments here today, still have a provision in there that regardless of the county requirements a farmer can leave to a relative or can deed to a relative certain small tracts of land for the purpose of building a single family residence?"

Senator Wilson: "That is correct."

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 318, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 318, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 14; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Bullington, Clarke, Day, Donohue, Goltz, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Talley, Van Hollenbeck, Wanamaker—31.

Voting nay: Senators Bluechel, Fleming, Francis, Gaspard, Gould, Grant, McDermott, North, Scott, von Reichbauer, Walgren, Washington, Wilson, Wojahn—14.

Absent or not voting: Senator Sandison—1.

Excused: Senators Mardesich, Woody—2.

SUBSTITUTE HOUSE BILL NO. 318, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 779.

SECOND READING

HOUSE BILL NO. 779, by Representatives Vrooman, Knowles, Lux, Keller, Martinis, Burns, Wilson, Taller and Berentson:

Authorizing group filing for certain labor liens.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, House Bill No. 779 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Ridder yield to a question? Senator Ridder, if they file on the same document, how do you establish your priority amongst those lien claimants? Would they then be ranked all together, and if there is insufficient funds be paid proration?"

Senator Ridder: "I don't know how they are paid now, Senator Bottiger. This does not speak to the question of priority, simply to the fact that—I assume they have a joint priority. This does not change the priority."

MOTION

On motion of Senator Bottiger, House Bill No. 779 was held on third reading following consideration of Engrossed Substitute House Bill No. 340.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 615.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, by Judiciary Committee (originally sponsored by Representatives Enbody, Knowles and McKibbin):

Enacting the "Comprehensive Sentencing Act of 1977".

REPORT OF STANDING COMMITTEE

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, enacting the "Comprehensive Sentencing Act of 1977" (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, strike all of the material on lines 27 through 34 and insert:

"(((7)) The defendant committed the murder in the course of rape or kidnaping or in immediate flight therefrom:))"

Renumber the remaining subsections consecutively

On page 5, line 27, after "chapter 10.70 RCW." strike all of the material down through and including "sentence." on line 31

On page 6, line 32, after "release" and before the period strike "pursuant to section 7 of this 1977 amendatory act"

On page 6, line 33, strike section 8 and renumber the remaining sections consecutively

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments were not adopted.

Senator Hayner moved adoption of the following amendment by Senators Francis and Hayner:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. When a defendant is charged with the crime of murder in the first degree as defined in RCW 9A.32.030(1)(a), the prosecuting attorney or the prosecuting attorney's designee shall file a written notice of intention to request a proceeding to determine whether or not the death penalty should be imposed when the prosecution has reason to believe that one or more aggravating circumstances, as set forth in RCW 9A.32.045 as now or hereafter amended, was present and the prosecution intends to prove the presence of such circumstance or circumstances in a special sentencing proceeding under section 2 of this 1977 amendatory act.

The notice of intention to request the death penalty must be served on the defendant or the defendant's attorney and filed with the court within thirty days of the defendant's arraignment in superior court on the charge of murder in the first degree under RCW 9A.32.030(1)(a). The notice shall specify the aggravating circumstance or circumstances upon which the prosecuting attorney bases the request for the death penalty. The court may, within the thirty day period upon good cause being shown, extend the period for the service and filing of notice.

If the prosecution does not serve and file written notice of intent to request the death penalty within the specified time the prosecuting attorney may not request the death penalty.

NEW SECTION. Sec. 2. (1) If notice of intention to request the death penalty has been served and filed by the prosecution in accordance with section 1 of this 1977 amendatory act, then a special sentencing proceeding shall be held in the event the defendant is found guilty of murder in the first degree under RCW 9A.32.030(1)(a).

(2) If the prosecution has filed a request for the death penalty in accordance with section 1 of this 1977 amendatory act, and the trial jury returns a verdict of murder in the first degree under RCW 9A.32.030(1)(a), then, at such time as the verdict is returned, the trial judge shall reconvene the same trial jury to determine in a separate special sentencing proceeding whether there are one or more aggravating circumstances and whether there are mitigating circumstances sufficient to merit leniency, as provided in RCW 9A.32.045 as now or hereafter amended, and to answer special questions pursuant to subsection (10) of this section. The special sentencing proceeding shall be held as soon as possible following the return of the jury verdict.

(3) At the commencement of the special sentencing proceeding the judge shall instruct the jury as to the nature and purpose of the proceeding and as to the consequences of its findings as provided in RCW 9A.32.040 as now or hereafter amended.

(4) In the special sentencing proceeding, evidence may be presented relating to the presence of any aggravating or mitigating circumstances as enumerated in RCW 9A.32.045 as now or hereafter amended. Evidence of aggravating circumstances shall be limited to evidence relevant to those aggravating circumstances specified in the notice required by section 1 of this 1977 amendatory act.

(5) Any relevant evidence which the court deems to have probative value may be received regardless of its admissibility under usual rules of evidence: PROVIDED, That the defendant is accorded a fair opportunity to rebut any hearsay statements: PROVIDED FURTHER, That evidence secured in violation of the Constitutions of the United States or the state of Washington shall not be admissible.

(6) Upon the conclusion of the evidence, the judge shall give the jury appropriate instructions and the prosecution and the defendant or defendant's counsel shall be permitted to present argument. The prosecution shall open and conclude the argument to the jury.

(7) The jury shall then retire to deliberate. Upon reaching a decision, the jury shall specify each aggravating circumstance that it unanimously determines to have been established beyond a reasonable doubt. In the event the jury finds no aggravating circumstances the defendant shall be sentenced pursuant to RCW 9A.32.040(3) as now or hereafter amended.

(8) If the jury finds there are one or more aggravating circumstances it must then decide whether it is also unanimously convinced beyond a reasonable doubt there are not sufficient mitigating circumstances to merit leniency. If the jury makes such a finding, it shall proceed to answer the special questions submitted pursuant to subsection (10) of this section.

(9) If the jury finds there are one or more aggravating circumstances but fails to be convinced beyond a reasonable doubt there are not sufficient mitigating circumstances to merit leniency the defendant shall be sentenced pursuant to RCW 9A.32.040(2) as now or hereafter amended.

(10) If the jury finds that there are one or more aggravating circumstances and is unanimously convinced beyond a reasonable doubt that there are not sufficient mitigating circumstances to merit leniency, the jury shall answer the following questions:

(a) Did the evidence presented at trial establish the guilt of the defendant with clear certainty?

(b) Are you convinced beyond a reasonable doubt that there is a probability that the defendant would commit additional criminal acts of violence that would constitute a continuing threat to society?

The state shall have the burden of proving each question and the court shall instruct the jury that it may not answer either question in the affirmative unless it agrees unanimously.

If the jury answers both questions in the affirmative, the defendant shall be sentenced pursuant to RCW 9A.32.040(1) as now or hereafter amended.

If the jury answers either question in the negative the defendant shall be sentenced pursuant to RCW 9A.32.040(2) as now or hereafter amended.

Sec. 3. Section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.040 are each amended to read as follows:

Notwithstanding RCW 9A.32.030(2), any person convicted of the crime of murder in the first degree shall be sentenced ~~((to life imprisonment))~~ as follows:

(1) If, pursuant to a special sentencing proceeding held under section 2 of this 1977 amendatory act, the jury finds that there are one or more aggravating circumstances and that there are not sufficient mitigating circumstances to merit leniency, and makes an affirmative finding on both of the special questions submitted to the

jury pursuant to section 2(10) of this 1977 amendatory act, the sentence shall be death;

(2) If, pursuant to a special sentencing proceeding held under section 2 of this 1977 amendatory act, the jury finds that there are one or more aggravating circumstances but fails to find that there are not sufficient mitigating circumstances to merit leniency, or the jury answers in the negative either of the special questions submitted pursuant to section 2(10) of this 1977 amendatory act, the sentence shall be life imprisonment without possibility of release or parole. A person sentenced to life imprisonment under this subsection shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner or reduce the period of confinement nor release the convicted person as a result of any automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any temporary release or furlough program; and

(3) In all other convictions for first degree murder, the sentence shall be life imprisonment.

Sec. 4. Section 1, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 1) and RCW 9A.32.045 are each amended to read as follows:

((A person is guilty of aggravated murder in the first degree when he commits murder in the first degree as defined in RCW 9A.32.030 under or accompanied by any of)) (1) In a special sentencing proceeding under section 2 of this 1977 amendatory act, the following shall constitute aggravating circumstances:

((+)) (a) The victim was a law enforcement officer or fire fighter and was performing his or her official duties at the time of the killing and the victim was known or reasonably should have been known to be such at the time of the killing.

((2)) (b) At the time of the act resulting in the death, the defendant was serving a term of imprisonment in a state correctional institution or had escaped or was on authorized or unauthorized leave from a state correctional institution, or was in custody in a local jail and subject to commitment to a state correctional institution.

((3)) (c) The defendant committed the murder pursuant to an agreement that ((he)) the defendant receive money or other thing of value for committing the murder.

((4)) (d) The defendant had solicited another to commit the murder and had paid or agreed to pay such person money or other thing of value for committing the murder.

((5) The defendant committed the murder with intent to conceal the commission of a crime, or to protect or conceal the identity of any person committing the same, or with intent to delay, hinder or obstruct the administration of justice by preventing any person from being a witness or producing evidence in any investigation or proceeding authorized by law or by influencing any person's official action as a juror)) (e) The murder was of a judge, juror, witness, prosecuting attorney, a deputy prosecuting attorney, or defense attorney because of the exercise of his or her official duty in relation to the defendant.

((6)) (f) There was more than one victim and the said murders were part of a common scheme or plan, or the result of a single act of the defendant.

((7)) (g) The defendant committed the murder in the course of ((or)), in furtherance of ((the crime of rape or kidnaping or in immediate flight therefrom:)), or in immediate flight from the crimes of either (i) robbery in the first or second degree, (ii) rape in the first or second degree, (iii) burglary in the first degree, (iv) arson in the first degree, or (v) kidnaping in which the defendant intentionally abducted another person with intent to hold the person for ransom or reward, or as a shield or hostage, and the killing was committed with the reasonable expectation that the death of the deceased or another would result.

(h) The defendant was previously convicted in this or another jurisdiction of a crime equivalent to nonvehicular homicide amounting to a class A felony, or was previously twice convicted in this or another jurisdiction of a felony equivalent to a class A felony.

(i) The murder was committed to obstruct or hinder the investigative, research, or reporting activities of anyone regularly employed as a newsreporter, including anyone self-employed in such capacity.

(2) In deciding whether there are mitigating circumstances sufficient to merit leniency, the jury may consider any relevant factors, including, but not limited to, the following:

(a) The defendant has no significant history of prior criminal activity;

(b) The murder was committed while the defendant was under the influence of extreme mental disturbance;

(c) The victim consented to the homicidal act;

(d) The defendant was an accomplice in a murder committed by another person and the defendant's participation in the homicidal act was relatively minor;

(e) The defendant acted under duress or under the domination of another person;

(f) At the time of the murder, the capacity of the defendant to appreciate the criminality (wrongfulness) of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired as a result of mental disease or defect; and

(g) The age of the defendant at the time of the crime calls for leniency.

Sec. 5. Section 2, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 2) and RCW 9A.32.046 are each amended to read as follows:

((A person found guilty of aggravated murder in the first degree as defined in RCW 9A.32.045, shall be punished by the mandatory sentence of death:)) Once a person is found guilty of ((aggravated)) murder in the first degree ((as defined in RCW 9A.32.045)) under RCW 9A.32.030(1)(a) with one or more aggravating circumstances and without sufficient mitigating circumstances to merit leniency and the jury has made affirmative findings on both of the special questions submitted pursuant to section 2(10) of this 1977 amendatory act, neither the court nor the jury shall have the discretion to suspend or defer the imposition or execution of the sentence of death. ((Such sentence shall be automatic upon any conviction of aggravated first degree murder. The death sentence shall take place at the state penitentiary under the direction of and pursuant to arrangements made by the superintendent thereof. PROVIDED, That)) The time of such execution shall be set by the trial judge at the time of imposing sentence and as a part thereof.

Sec. 6. Section 3, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 3) and RCW 9A.32.047 are each amended to read as follows:

In the event that the governor commutes a death sentence or in the event that the death penalty is held to be unconstitutional by the United States supreme court or the supreme court of the state of Washington ((in any of the circumstances specified in RCW 9A.32.045:)) the penalty ((for aggravated murder in the first degree in those circumstances)) shall be imprisonment in the state penitentiary for life without possibility of release or parole. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner or reduce the period of confinement nor release the convicted person as a result of any automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release or furlough program.

NEW SECTION. Sec. 7. (1) Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the

record by the supreme court of Washington. The clerk of the trial court within ten days after receiving the transcript, shall transmit the entire record and transcript to the supreme court of Washington together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of the defendant's attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Washington.

(2) The supreme court of Washington shall consider the punishment as well as any errors enumerated by way of appeal.

(3) With regard to the sentence, the court shall determine:

(a) Whether the evidence supports the jury's findings; and

(b) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

(4) Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court.

(5) The court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the court, with regard to review of death sentences, shall be authorized to:

(a) Affirm the sentence of death; or

(b) Set the sentence aside and remand the case for resentencing by the trial judge based on the record and argument of counsel. The records of those similar cases referred to by the supreme court of Washington in its decision and the extracts prepared therefor shall be provided to the resentencing judge for the judge's consideration.

(6) The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.

NEW SECTION. Sec. 8. Sections 1, 2, and 7 of this 1977 amendatory act shall constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 9. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Senator Clarke moved adoption of the following amendment to the amendment by Senators Francis and Hayner:

On page 9, following line 23, insert the following new section:

"NEW SECTION. Sec. 8. There is added to chapter 10.64 RCW a new section to read as follows:

Following the effective date of this act, there shall be affixed to the original of every judgment and sentence of a felony conviction in every court of this state and notwithstanding 13.04.130 RCW every order adjudicating a juvenile to have committed an act which would be a felony if committed by an adult, a fingerprint of the defendant or juvenile who is the subject of the order.

The clerk of the court shall attest that the fingerprint appearing on the judgment in sentence, order of adjudication of delinquency, or docket, is that of the individual who is the subject of the judgment or conviction, order, or docket entry."

Renumber the remaining sections consecutively.

POINT OF ORDER

Senator Grant: "Mr. President, I raise the point of order that the amendment expands the scope and object. Mr. President, and members of the Senate, the measure before us is an act relating to the death penalty. The calendar, of course, has a different title. The amendment as proposed by Senator Clarke deals with certain procedures of felons and the requirement that certain fingerprints be taken and so forth. I really think that has no place in the so-called death penalty act."

Debate ensued.

REPLY BY THE PRESIDENT

President Cherberg: "The President believes it would be necessary for the amendment to the amendment to be attached to the amendment and then pose your scope and object objection, Senator."

REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President, I don't quite follow—."

REPLY BY THE PRESIDENT

President Cherberg: "The amendment is an amendment to this proposed amendment by Senator Francis and Senator Hayner."

REMARKS BY SENATOR GRANT

Senator Grant: "I have not raised the point of order with regard to the amendment by Senator Francis and Senator Hayner. That provides different procedures with regard to the death penalty, and I am not—"

REPLY BY THE PRESIDENT

President Cherberg: "The Senator Francis and Senator Hayner amendment is to the bill. Your amendment is to the amendment."

REMARKS BY SENATOR GRANT

Senator Grant: "My objection is to the amendment to the amendment."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that this amendment should be voted up or down and then if it is voted up then you may offer your objections."

REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President, speaking to that, the other amendments that are being presented, amendments to the amendment, I also would intend to raise the question of scope and object to those other amendments, but I do feel that the original amendment as proposed by Senators Francis and Hayner is within the scope and object of the measure. It deals with the death penalty and that is what this bill is about. The amendments to the amendment, as far as I can determine in reading them, have nothing to do with the death penalty, and that is why I am raising the question."

MOTION

On motion of Senator Marsh, Engrossed Substitute House Bill No. 615, together with the pending amendment by Senators Francis and Hayner, the amendment to the amendment by Senator Clarke and the Point of Order raised by Senator Grant on the amendment to the amendment by Senator Clarke, was ordered held pending a Ruling by the President.

President Pro Tempore Henry assumed the Chair.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 583.

SECOND READING

HOUSE BILL NO. 583, by Representatives Whiteside, Deccio, Fortson and Wilson:

Permitting school districts to waive or reduce fees for low-income senior citizens.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, House Bill No. 583 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 583, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

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

Excused: Senators Mardesich, Woody—2.

HOUSE BILL NO. 583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 617.

SECOND READING

ENGROSSED HOUSE BILL NO. 617, by Representatives Fischer and Eng:

Allowing some mutual savings banks to pay higher expenses for management and operation.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Engrossed House Bill No. 617 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 617, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Absent or not voting: Senator Lewis—1.

Excused: Senators Mardesich, Woody—2.

ENGROSSED HOUSE BILL NO. 617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Marsh, all bills passed today were ordered immediately transmitted to the House.

At 3:10 p.m., on motion of Senator Marsh, the Senate recessed until 3:57 p.m.

SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 3:57 p.m.

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

THIRD READING

HOUSE BILL NO. 779, by Representatives Vrooman, Knowles, Lux, Keller, Martinis, Burns, Wilson, Tallor and Berentson:

Authorizing group filing for certain labor liens.

President Pro Tempore Henry declared the question before the Senate to be the roll call on final passage of House Bill No. 779.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 779, and the bill passed the Senate by the following vote: Yeas, 35; nays, 1; absent or not voting, 10; excused, 2.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Clarke, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Wojahn—35.

Voting nay: Senator Murray—1.

Absent or not voting: Senators Benitz, Bluechel, Day, Donohue, Gould, McDermott, Odegaard, Peterson, von Reichbauer, Walgren—10.

Excused: Senators Mardesich, Woody—2.

HOUSE BILL NO. 779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 111, by Senators Gaspard, Benitz, Donohue and Morrison:

Memorializing Congress to investigate the miscalculation by the Bureau of Reclamation in predicting a water shortage.

MOTIONS

On motion of Senator Marsh, the rules were suspended, Senate Joint Memorial No. 111 was advanced to second reading and read the second time in full.

On motion of Senator Marsh, the rules were suspended, Senate Joint Memorial No. 111 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 111, and the memorial passed the Senate by the following vote: Yeas, 39; absent or not voting, 7; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators Donohue, Gould, McDermott, Odegaard, Peterson, von Reichbauer, Walgren—7.

Excused: Senators Mardesich, Woody—2.

SENATE JOINT MEMORIAL NO. 111, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Marsh, Senators Fleming and McDermott were excused.

On motion of Senator Sandison, Senators Herr, Donohue and Odegaard were excused.

On motion of Senator Jones, Senator Gould was excused.

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 618.

SECOND READING

ENGROSSED HOUSE BILL NO. 618, by Representatives Fischer and Eng: Revising laws regulating sale of securities.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, Engrossed House Bill No. 618 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Mr. President, would Senator Bluechel yield? Senator Bluechel, my question is, whether this will make it any more difficult for smaller municipalities in particular to achieve a successful issuance of bond issues."

Senator Bluechel: "It really won't. What this is--just to insure that when there is a secure redemption of the bonds. There has been in certain cases in certain local communities where bonds have been put out to build certain items where the risk

has not been justified and they have been done without serious thought. This will require that they go through the regular routine where the only redemption is from the private end of the scale, not through the government."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 618, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 3; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senators Day, Peterson, Walgren—3.

Excused: Senators Donohue, Fleming, Gould, Herr, Mardesich, McDermott, Odegaard, Woody—8.

ENGROSSED HOUSE BILL NO. 618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 474.

SECOND READING

HOUSE BILL NO. 474, by Representatives Lux, Charnley and Berentson:
Allowing payment in full of retainage in contracts.

REPORT OF STANDING COMMITTEE

May 3, 1977.

HOUSE BILL NO. 474, allowing payment in full of retainage in contracts (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 1, after "body," strike the remainder of the paragraph and insert "(a) at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor; and (b) thirty days after completion and acceptance of all contract work other than landscaping, may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020."

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendment was adopted.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 474, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 474, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—38.

Absent or not voting: Senators Day, Walgren—2.

Excused: Senators Donohue, Fleming, Gould, Herr, Mardesich, McDermott, Odegaard, Woody—8.

HOUSE BILL NO. 474, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 649.

SECOND READING

HOUSE BILL NO. 649, by Representatives McCormick, Warnke, Whiteside, Pearsall, Hughes, Tilly, Knowles, Adams, Erickson and Gaines:
Implementing law relating to cosmetology.

REPORT OF STANDING COMMITTEE

May 3, 1977.

HOUSE BILL NO. 649, implementing law relating to cosmetology (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, add a new section to read as follows:

"Sec. 2. Section 7, chapter 180, Laws of 1951 as last amended by section 3, chapter 266, Laws of 1971 ex. sess. and RCW 18.18.140 are each amended to read as follows:

Licenses may be renewed from year to year upon the payment on or before the first day of July following their issuance, of a renewal fee as follows: Manicurist, not more than five dollars; operator, not more than five dollars; instructor, operator, not more than six dollars; manager operator, not more than six dollars; shop, not more than seven dollars; school, not more than one hundred and fifty dollars, all such fees to be determined by the director as provided in RCW 43.24.085.

~~((A certificate of health is required with an application for an original license; one must also be filed with a renewal application.))~~

Any manicurist, operator, manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of five dollars for each lapsed year: PROVIDED, That any person whose license has lapsed for more than three years shall be re-examined, as in the case of any applicant for an original license."

On line 1 of the title after the semicolon strike "and"; and on line 3 of the title, after "18.18.260" and before the period insert "; and amending section 7, chapter 180, Laws of 1951 as last amended by section 3, chapter 266, Laws of 1971 ex. sess. and RCW 18.18.140"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Bausch, Morrison.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendment was adopted.

On motion of Senator Van Hollebeke, the committee amendment to the title was adopted.

MOTIONS

On motion of Senator Jones, Senator Guess was excused.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 649, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 649, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 3; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senators Day, Francis, Walgren—3.

Excused: Senators Donohue, Fleming, Gould, Herr, Mardesich, McDermott, Odogaard, Woody—8.

HOUSE BILL NO. 649, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 678, by Committee on Agriculture (originally sponsored by Representatives Kilbury, Amen, Vrooman, Hansen and Barr):
Modifying the law on theft of livestock.

The bill was read the second time by sections.

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 678 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 678, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 2; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators Day, Walgren—2.

Excused: Senators Donohue, Gould, Herr, Mardesich, McDermott, Odogaard, Woody—7.

SUBSTITUTE HOUSE BILL NO. 678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate resumed consideration of Engrossed Substitute House Bill No. 615.

President Cherberg assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, by Committee on Judiciary (originally sponsored by Representatives Enbody, Knowles and McKibbin):

Enacting the "Comprehensive Sentencing Act of 1977".

The Senate resumed consideration of Engrossed House Bill No. 615. Earlier today, an amendment by Senators Francis and Hayner had been moved for adoption. Senator Clarke moved adoption of the following amendment to the amendment and Senator Grant had raised a Point of Order on the amendment by Senator Clarke:

On page 9, following line 23, insert the following new section:

"NEW SECTION. Sec. 8. There is added to chapter 10.64 RCW a new section to read as follows:

Following the effective date of this act, there shall be affixed to the original of every judgment and sentence of a felony conviction in every court of this state and notwithstanding 13.04.130 RCW every order adjudicating a juvenile to have committed an act which would be a felony if committed by an adult, a fingerprint of the defendant or juvenile who is the subject of the order.

The clerk of the court shall attest that the fingerprint appearing on the judgment in sentence, order of adjudication of delinquency, or docket, is that of the individual who is the subject of the judgment or conviction, order, or docket entry."

Remember the remaining sections consecutively.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Grant, the President finds that because the floor amendment proposed by Senators Francis and Hayner is, in effect, synonymous with the scope and object of Engrossed Substitute House Bill 615 as before the body, and because the President feels that in the interest of fairness to the Senate, the Senate should be given information necessary to make its legislative determinations. The President should rule upon the point of order as if the amendment proposed by Senator Clarke were to the bill itself.

"The President finds that the amendment relates to fingerprinting of juveniles while the bill relates to the circumstances under which the death penalty may be imposed. Therefore, the amendment does change the scope and object of the bill and the point of order raised by Senator Grant is well taken."

The amendment by Senator Clarke to the amendment by Senators Francis and Hayner was ruled out of order.

Senator Pullen moved adoption of the following amendment to the amendment:

On page 3, lines 30 and 31, at the end of line 30 and the beginning of line 31, strike "with clear certainty" and insert "beyond a reasonable doubt"

There being no objection, on motion of Senator Pullen, the amendment to the amendment was withdrawn.

On motion of Senator Pullen, the following amendments to the amendment were adopted:

On page 4, line 33, after "prisoner" strike "or" and insert "nor"

On page 4, line 34, after "confinement" strike "nor release the" and insert "The"

On page 4, line 35, after "person" insert "shall not be released"

On page 4, line 35, after "any" strike "automatic" and insert "type of"

On motion of Senator Van Hollebecke, the following amendment to the amendment was adopted:

On page 6, beginning on line 18, strike all of subsection (h).

Senator Pullen moved adoption of the following amendment to the amendment:

On page 6, line 9, after the comma, insert "(ii) assault in the first degree," and reletter remaining subsections consecutively.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Francis yield to a question? Senator Francis, in thinking through Senator Pullen's remarks, I can't conceive of a murder that isn't an assault in the first degree. By the very nature of the act it is an assault, so we would, in effect, then be making all murders aggravated murder if we include assault."

Senator Francis: "Senator Bottiger, I think you are probably correct there that that would, in effect, be like a felony murder rule that would bring in the death penalty. I think that that is a good point."

Debate ensued.

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

Senator Pullen moved adoption of the following amendment to the amendment:

On page 6, line 14, after "hostage" strike all the material down to the period on line 17.

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

Senator Goltz moved adoption of the following amendment to the amendment:

On page 6, following line 17, insert:

"(h) The defendant committed the murder while driving a motor vehicle and while he was under the influence of alcohol or drugs."

Relletter remaining subsections consecutively.

POINT OF INQUIRY

Senator Bottiger: "Will Senator Goltz yield to a question? Senator Goltz, if we moved all of the students out of all of the four-year colleges, how many dormitory rooms do you think we would have?"

Senator Goltz: "I haven't that count, but I would be glad to give you that information."

Senator Bottiger: "I would imagine five, six thousand dormitory rooms? Because that is about what we would need if your amendment is adopted. I am sure there would be mitigating them for the rest of their lives without possibility of parole, and the portion that we would spend would be gigantic."

Debate ensued.

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

Senator Pullen moved adoption of the following amendment to the amendment:

On page 7, beginning on line 8, strike all of subsection (g).

Debate ensued.

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

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

On page 8, line 1, after "penalty" insert "under RCW 9A.32.046"

On motion of Senator Pullen, the following amendments to the amendment were considered and adopted simultaneously:

On page 8, line 9, after "prisoner" strike "or" and insert "~~((or))~~ nor"

On page 8, line 10, after "confinement" strike "nor release the" and insert "~~((nor release the))~~ . The"

On page 8, line 10, after "person" insert "shall not be released"

On page 8, line 11, after "any" strike "automatic" and insert "~~((automatic))~~ type of"

On page 8, line 14, strike "work" and insert "~~((work))~~ temporary"

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen, Bausch and Henry to the amendment:

On page 9, on line 24, insert:

"Sec. 9. Section 1, chapter 141, Laws of 1959 and RCW 9.61.160 are each amended to read as follows:

It shall be unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental building, or any other building, common carrier, structure, or place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated.

Sec. 10. Section 3, chapter 141, Laws of 1959 and RCW 9.61.180 are each amended to read as follows:

Any violation of RCW 9.61.160 through 9.61.180 shall be a ~~((gross misdemeanor))~~ felony."

Renumber the remaining sections consecutively and change internal references accordingly.

POINT OF ORDER

Senator Grant: "Mr. President, I would raise a point of order. Yes, that this amendment expands the scope and object. It changes the penalty for bomb threats to a felony, and I don't really feel that it has any place in the death penalty bill."

RULING BY THE PRESIDENT

President Cherberg: "The President believes that the point of order presented by Senator Grant is well taken in line with the previous ruling on a similar point of order."

The amendment by Senators Rasmussen, Bausch and Henry to the amendment by Senators Francis and Hayner was ruled out of order.

Senator Rasmussen moved adoption of the following amendment to the amendment:

On page 9, after line 23, insert the following:

"NEW SECTION, Sec. 8. There is added to chapter 9.01 RCW a new section to read as follows:

No person in the state shall be placed in legal jeopardy of any kind whatsoever for protecting by any means necessary, himself, his family, or his real or personal property, or for coming to the aid of another who is in imminent danger of or the victim of aggravated assault, armed robbery, holdup, rape, murder, or any other heinous crime.

When a substantial question of self defense in such a case shall exist which needs legal investigation or court action for the full determination of the facts, and the defendant's actions are subsequently found justified under the intent of this section, the state of Washington shall indemnify or reimburse such defendant for all loss of time, legal fees, or other expenses involved in his defense."

Remember the remaining sections consecutively.

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

On line 6 of the amendment after "by any" insert "reasonable"

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

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

Senator Hayner moved adoption of the following amendment by Senators Hayner and Francis to the title:

On page 1, on line 1 of the title after "death penalty;" strike the remainder of the title and insert "amending section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.040; amending section 1, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 1) and RCW 9A.32.045; amending section 2, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 2) and RCW 9A.32.046; amending section 3, chapter 9, Laws of 1975-'76 2nd ex. sess. (Initiative Measure No. 316, section 3) and RCW 9A.32.047; adding a new chapter to Title 10 RCW; prescribing penalties; and declaring an emergency."

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

On line 14 of the title amendment, after "Title 10 RCW;" insert "adding a new section to chapter 9.01 RCW;"

The motion by Senator Hayner carried and the amendment to the title, as amended, was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Substitute House Bill No. 615, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Francis, Engrossed Substitute House Bill No. 615, as amended by the Senate, was ordered placed on the third reading calendar for May 31, 1977.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 24,
 SUBSTITUTE HOUSE BILL NO. 165,
 HOUSE BILL NO. 313,
 SUBSTITUTE HOUSE BILL NO. 395,
 HOUSE BILL NO. 444,
 HOUSE BILL NO. 753,
 SUBSTITUTE HOUSE BILL NO. 873,
 HOUSE BILL NO. 921,
 HOUSE BILL NO. 1229.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2082,

SUBSTITUTE SENATE BILL NO. 2107,
SENATE BILL NO. 2156.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2061,
SUBSTITUTE SENATE BILL NO. 2383,
SENATE BILL NO. 2426.

MOTION

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

MESSAGE FROM THE HOUSE

May 26, 1977.

Mr. President: The House has passed:
SUBSTITUTE SENATE BILL NO. 2132,
ENGROSSED SENATE BILL NO. 2159,
SENATE BILL NO. 2202,
SUBSTITUTE SENATE BILL NO. 2811, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

May 26, 1977.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2451, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Sommers, Knedlik and Winsley, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Senate Bill No. 2451 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2451 and the House amendments thereto: Senators Rasmussen, Morrison and Marsh.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

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

REPORTS OF STANDING COMMITTEES

May 25, 1977.

SUBSTITUTE HOUSE BILL NO. 3, taxing federal nuclear power generators (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Fleming, Grant, Marsh, Rasmussen, Ridder, Scott, Walgren, Washington.

Passed to Committee on Rules for second reading.

May 25, 1977.

SUBSTITUTE HOUSE BILL NO. 1203, authorizing expenditures to implement programs of proper educational practices (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Washington.

Passed to Committee on Rules for second reading.

MOTION

At 5:10 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, May 27, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 27, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Herr, Jones, Mardesich, Matson and McDermott. On motion of Senator Sellar, Senators Jones and Matson were excused. On motion of Senator Odegaard, Senators Francis, Herr, Mardesich and McDermott were excused.

The Color Guard, consisting of Pages Ed Clarke and Kathleen Knott, presented the Colors. Reverend David Kratz, pastor of United Church of Christ of Olympia, offered the following prayer:

"FAITHFUL GOD, AS WE PREPARE TO GET AWAY FROM IT ALL, AS WE LOOK FORWARD TO A BRIEF RESPITE FROM THE CHALLENGES OF LIFE ON THIS MEMORIAL DAY WEEKEND, HELP US BE MINDFUL OF ITS DEEPER MEANINGS. DRAW INTO OUR AWARENESS THE MEMORIES OF THOSE WHO HAVE DIED THAT WE MIGHT LIVE, WHO HAVE GIVEN OF THEMSELVES SO THAT WE MIGHT KNOW SOMETHING OF THE PURPOSE AND MEANING OF OUR DAYS, SO THAT WE MIGHT GRASP SOMETHING OF THE COURAGE NEEDED TO SUSTAIN LIFE. MOST OF ALL, KEEP US MINDFUL THAT WE DID NOT MAKE OUR LIVES, BUT THAT LIFE IS A GIFT TO US AND WE, A GIFT TO LIFE. SAVE US FROM POMPOUS SELF RIGHTEOUSNESS AND THE HARDNESS WHICH COMES FROM TAKING LIFE AND PEOPLE FOR GRANTED, AND LET OUR DAYS BE A GRATEFUL SONG AND A GLAD OFFERING FOR THOSE WHO SOME DAY WILL REMEMBER AND FIND INSPIRATION FROM US. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 26, 1977.

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

I have the honor to advise that on May 26, 1977, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2014: Removing obsolete provisions of laws relating to Indians.

SENATE BILL NO. 2055: Disestablishing the anti-monopoly board.

SENATE BILL NO. 2069: Establishing a youth service corps to promote youth employment and service to local communities.

SUBSTITUTE SENATE BILL NO. 2129: Requiring a statement of purpose and other information to accompany agency rules.

SUBSTITUTE SENATE BILL NO. 2154: Governing increased state participation in third party industrial insurance actions.

SENATE BILL NO. 2166: Transferring the powers, duties, and functions of the printing and duplicating committee to the newly created printing and duplicating management center.

SUBSTITUTE SENATE BILL NO. 2169: Amending law authorizing disposal of gravel and sand from state shorelands onto private property.

SENATE BILL NO. 2286: Revising law relating to regulation of the funeral business.

SENATE BILL NO. 2437: Enacting the interstate compact for school bus safety.

SENATE BILL NO. 2570: Providing for a school facilities cost stabilization program.

SENATE BILL NO. 3009: Authorizing parks and recreation districts to issue interest bearing warrants.

SENATE BILL NO. 3017: Authorizing transfer of property owned by one port district but located in another.

SENATE BILL NO. 2189: Adopting the international registration plan.

Sincerely,
 JOE ZASPEL
 Legislative Assistant.

MESSAGE FROM THE HOUSE

May 25, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2282, with the following amendments:

On page 1, after line 4, delete everything after the enacting clause and insert the following:

"Section 1. Section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, ~~((public official,))~~ department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, ~~((city and county, school district))~~ town, municipal corporation, quasi municipal corporation, or special purpose district, ((political subdivision,)) or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision or other voting constituency from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of

newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by such worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which

loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. Section 3, chapter 1, Laws of 1973 and RCW 42.17.030 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for ~~((the president and vice president of the United States))~~ a federal elective office; and (c) ~~for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district.~~

Sec. 3. Section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or political committee).

~~((All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by))~~ At the time each deposit is made, the campaign treasurer or deputy campaign treasurer shall prepare and file with the commission a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, That contributions not exceeding ten dollars from any one person may be deposited without identifying the contributor. ((The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records for the minimum term of three years, one copy to be filed by the campaign treasurer with the commission, and one)) A duplicate copy ((to)) of the statement shall be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the ((third)) duplicate copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.

(4) Nothing in this section shall prohibit a candidate or political committee from investing funds on hand in a campaign depository in bonds, certificates, or savings accounts or other similar savings instruments in financial institutions other than the campaign depository: PROVIDED, That the commission is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the campaign depository in the account from which the investment was made and properly reported to the commission prior to any further disposition or expenditure thereof.

(5) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 4. Section 16, chapter 1, Laws of 1973 as amended by section 9, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, (~~42.17.190~~) and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies~~(:);~~;

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station~~(:);~~;

(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter~~(:);~~;

(4) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter~~(:);~~;

(5) The governor~~(:);~~;

(6) The lieutenant governor~~(:);~~;

(7) Except as provided by RCW 42.17.190(1), members of the legislature~~(:);~~;

(8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties~~(:);~~;

(9) Except as provided by RCW 42.17.190, elected ~~((state))~~ officials, and officers ~~(; state officers appointed by the governor subject to confirmation by the senate;)~~ and employees of any ~~((state))~~ agency.

Sec. 5. Section 17, chapter 1, Laws of 1973 as amended by section 10, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by ~~((both))~~ the lobbyist ~~((and the lobbyist's employers))~~. The reports shall be made in the form and manner prescribed by the commission. They shall be due ~~((quarterly))~~ monthly and shall be filed within ~~((thirty))~~ fifteen days after the ~~((end))~~ last day of the calendar ~~((quarter))~~ month covered by the report. ~~((In addition to the quarterly reports; while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday: PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under subsection (2) hereof was made by the reporting person.))~~

(2) Each such ~~((quarterly and weekly))~~ monthly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: **PROVIDED HOWEVER**, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported (~~(-- AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments, living accommodations, travel, contributions, and such other categories as the commission shall prescribe by rule)).~~ Each individual expenditure of more than ((fifteen)) twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates, or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state administrative procedure acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: **PROVIDED**, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

Sec. 6. Section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: **PROVIDED**, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) ~~((Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: PROVIDED, This shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch:))~~ Any agency may expend public funds to compensate its officers or employees for services rendered on behalf of the agency in connection with lobbying only to the extent that such officers or employees are advocating the official position or interests of the agency, or providing information to or communicating with any elected official or officer or employee of any agency on matters pertaining to official agency business: PROVIDED, That public funds shall not be expended as a direct or indirect gift or campaign contribution provided to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" shall mean a voluntary transfer of real or personal property of any kind without consideration of equal or greater value, but shall not include informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material".

(3) Each ~~((state))~~ agency which expends ~~((state))~~ public funds for any lobbying ~~((pursuant to an express authorization by law or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation))~~ activities for which the expenditure of public funds is authorized under subsection (2) of this section shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such ~~((legislative activity))~~ activities, a general description of the nature of ~~((his legislative))~~ the activities, and the proportionate amount of ~~((his))~~ time spent on ~~((such))~~ the activities;

(c) An itemized listing of any expenditures incurred by the agency in connection with lobbying activities.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any ~~((state))~~ elected official or officer or ~~((any))~~ employee of ~~((a state))~~ an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

NEW SECTION. Sec. 7. There is added to chapter 1, Laws of 1973 and to chapter 42.17 RCW a new section to read as follows:

Nothing contained in the 1977 amendment of RCW 42.17.350 shall impair any property of or appropriations made to the commission, nor shall any rules of the commission adopted prior to January 1, 1978, be affected or impaired by the reorganization of the commission by such amendment.

NEW SECTION. Sec. 8. Section 14, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.195 are each repealed.

NEW SECTION. Sec. 9. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This 1977 amendatory act shall take effect on January 1, 1978."

On page 1, on line 1 of the title, after "state government;" delete the remainder of the title and insert "amending section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020; amending section 3, chapter 1, Laws of 1973 and RCW 42.17.030; amending section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060; amending section 16, chapter 1, Laws of 1973 as amended by section 9, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 as amended by section 10, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.170; amending section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190; repealing section 14, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.195; and providing an effective date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Grant moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2282.

Debate ensued.

Senator Clarke moved that further consideration of the House Message on Engrossed Senate Bill No. 2282, and the motion by Senator Grant that the Senate do concur in the House amendments be held until the afternoon session today.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, would Senator Grant yield to a question? Senator Grant, as I listened to your explanation, it just didn't seem to me that all of these subjects were in dispute, and I—"

Senator Grant: "I am suggesting that we concur with the House amendments. This is not a conference committee report."

Senator Rasmussen: "This is not a conference committee report?"

Senator Grant: "No, it is not."

Senator Rasmussen: "Well, Mr. President, I agree with Senator Clarke that these are far-reaching changes. We are opening the door to lobbying unlimited by public agencies and—"

Senator Grant: "Senator Rasmussen, you know I wouldn't want to do that."

Senator Rasmussen: "—Senator Grant, it would seem to me that you are letting the whole camel under the tent and destroying the public disclosure and we must take a good look at this, and I would like to consult with Jolene before we go any further."

Senator Grant: "Perhaps we can invite her to our caucus."

The motion by Senator Clarke carried. The House Message on Engrossed Senate Bill No. 2282 and the motion by Senator Grant that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2282 will be considered this afternoon.

MOTION

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

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 438.

SECOND READING

ENGROSSED HOUSE BILL NO. 438, by Representatives Sommers and Flanagan:

Changing notice requirements for property appraisals made between December 1 and February 15.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 438 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 438, and the bill passed the Senate by the following vote: Yeas, 32; nays, 10; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Bullington, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Keefe, Marsh, McDermott, Monohon, Morrison, North, Odegaard, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—32.

Voting nay: Senators Clarke, Guess, Lewis, Murray, Newschwander, Pullen, Rasmussen, Ridder, Sellar, Wanamaker—10.

Absent or not voting: Senator Peterson—1.

Excused: Senators Francis, Herr, Jones, Mardesich, Matson—5.

ENGROSSED HOUSE BILL NO. 438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 727, by Representatives Conner, Gallagher, Gilleland and Vrooman:

Changing laws on reporting of vehicle accidents.

REPORT OF STANDING COMMITTEE

April 18, 1977.

ENGROSSED HOUSE BILL NO. 727, changing laws on reporting of vehicle accidents (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, after "~~((two))~~", strike "one" and insert "three"

Signed by: Senators Henry, Chairman; Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Lewis: "Would Senator Bottiger yield to a question? Senator Bottiger, if one driver of a vehicle has a vehicle which is worth less than three hundred dollars, if this amendment now passes—previously a hundred dollars, and his car is totaled, is it my understanding that he has no recourse because it isn't even reportable? There have been some problems with people who if the car is over fifteen years old, is that it? And three hundred dollars, less than three hundred dollars, he is just

without any recourse? I had a constituent call me with that kind of a story, and I haven't had time to check it out."

Senator Bottiger: "Senator Lewis, the way the bill is written if all of the property damage involved in the accident is less than three hundred dollars, both cars, the tree, the telephone pole, everything involved is less than three hundred dollars, then you do not have to file an accident report and you do not have to, if this bill passes, post a bond if you are charged with a negligence. You are doing the guy a favor by adopting this bill."

Senator Lewis: "Not if I am the guy that owns the car less than three hundred dollars and I get totaled out. I am just without any recourse then, aren't I?"

Senator Bottiger: "Well, no, the driver of the other car could continue to operate his vehicle without the requirement of posting the bond. In that sense you are taking away from protection that we all have now. On the other hand, the little fenderbender, the scratched bumper at today's prices can go over three hundred dollars and we are absorbing a lot of paper work. But it is true, if a person has a very old car and somebody runs into him, he is going to have to collect from them without the assistance of the financial responsibility act. In that sense you are right, but I have another amendment coming that will help."

The motion by Senator Bottiger carried and the committee amendment was adopted.

Senator Bottiger moved adoption of the following amendment:

On page 2, line 26, add the following sections:

Sec. 3. Section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090 are each amended to read as follows:

(1) No policy or bond shall be effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ~~((fifteen))~~ twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ~~((thirty))~~ fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than ~~((five))~~ ten thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond shall be effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the director of motor vehicles to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

Sec. 4. Section 26, chapter 169, Laws of 1963 as amended by section 2, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.260 are each amended to read as follows:

The term "proof of financial responsibility for the future" as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of this state, in the amount of ~~((fifteen))~~ twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject

to said limit for one person, in the amount of ~~((thirty))~~ five thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ~~((five))~~ ten thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future".

Sec. 5. Section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390 are each amended to read as follows:

(1) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

(a) When ~~((fifteen))~~ twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of ~~((ten))~~ twenty-five thousand dollars because of bodily injury to or death of one person, the sum of ~~((thirty))~~ five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When ~~((five))~~ ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

(2) Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

Sec. 6. Section 49, chapter 169, Laws of 1963 as amended by section 4, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.490 are each amended to read as follows:

(1) Certification. A "motor vehicle liability policy" as said term is used in this chapter shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in RCW 46.29.460 or 46.29.470 as proof of financial responsibility for the future, and issued, except as otherwise provided in RCW 46.29.470, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(2) Owner's policy. Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle as follows: ~~((Fifteen))~~ Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, ~~((thirty))~~ five thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~((five))~~ ten thousand dollars because of injury to or destruction of property of others in any one accident.

(3) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and

shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) Policy need not insure workmen's compensation, etc. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(6) Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(7) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(8) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(9) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.

(11) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 7. Section 55, chapter 169, Laws of 1963 as amended by section 5, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.550 are each amended to read as follows:

Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him (~~((thirty-five))~~ sixty thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of (~~((thirty-five))~~ sixty thousand dollars.

The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield? Senator, on the last page, section 7, where they are raising the amount of cash bond, what is that related to, raising it from thirty-five thousand to sixty thousand dollars deposit with the state treasurer?"

Senator Bottiger: "Senator Rasmussen, there is a provision in the law that allows you to be self-insured, that you do not have to buy your insurance policy from an insurance company. This is after you have been in an accident, and before you can get your driver's license back, and you don't want to buy the insurance, you can go down and be certified that you are self-insured, the same consistency of going from thirty-five to sixty thousand on these types of self insured policy. Some—I might add—some business communities use that self-insurance as a method of avoiding the cost liability insurance policies, for example, taxi cab companies."

Senator Rasmussen: "Then my question would be, are they filing a cash bond or are they filing the actual, like some of these contractors do, they will file their savings account as a bond?"

Senator Bottiger: "They can do either, file cash account or file any kind of a security including a time deposit. We wrote this in for taxi cabs as I recall, to allow them to avoid the expense of insurance."

Senator Rasmussen: "Well, it would seem to me that doubling that amount of the cash bond is probably a little bit out of line. If you can furnish thirty-five thousand dollars cash, that should be sufficient for any one accident."

Senator Bottiger: "It is just consistent with the rest of the provisions of the bill."

Further debate ensued.

POINT OF INQUIRY

Senator Grant: "Mr. President, I should like to ask Senator Bottiger a question. It is my understanding, correct me if I am wrong on this, I am not well acquainted with the automobile insurance requirements of law in this state, that there is no requirement currently for coverage under state law, not mandatory coverage."

Senator Bottiger: "That is correct, Senator Grant, in the sense you get the first bite. If you get into an accident, you don't have insurance and you don't pay for the damage you did, then you lose your driver's license. To get it back, you have to go out and buy insurance."

Senator Grant: "I would think that then Senator Clarke's observation is one that might prove to be the case, that in fact, there will be in all likelihood a lot less people obtaining insurance coverage as a result of the increased premiums and as a result of the increased coverages of this particular enactment. I would think that perhaps we should look at the providing in law for mandatory insurance coverage of limited amounts, rather than raising the amount for those that are currently being covered."

Further debate ensued.

MOTION

On motion of Senator Grant, Engrossed House Bill No. 727, as amended, together with the pending amendment by Senator Bottiger, was ordered held on the second reading calendar for May 28, 1977.

MOTION

On motion of Senator Guess, Senator Benitz was excused.

SECOND READING

HOUSE BILL NO. 768, by Representatives Moreau and Erickson:

Implementing the law relating to granting of degrees at certain state colleges including financial impact review.

REPORT OF STANDING COMMITTEE

May 6, 1977.

HOUSE BILL NO. 768, implementing the law relating to granting of degrees at certain state colleges including financial impact review (reported by Committee on Higher Education):

Recommendation: Do pass with the following amendment:

On page 2, line 1, after "and to the" strike the remainder of the section and insert "appropriate policy and fiscal committees of the house of representatives and the senate."

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison, Scott.

The bill was read the second time by sections.

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

On motion of Senator Odegaard, the rules were suspended, House Bill No. 768, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 768, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 3; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Voting nay: Senator Van Hollebeke—1.

Absent or not voting: Senators Fleming, Hayner, Keefe—3.

Excused: Senators Francis, Jones, Mardesich, Matson—4.

HOUSE BILL NO. 768, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1263, by Representatives Lysen, Thompson and Dunlap:

Deleting references in the law to the state power commission.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Engrossed House Bill No. 1263 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1263, and the bill passed the Senate by the following vote: Yeas, 44; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Excused: Senators Francis, Herr, Mardesich, Matson—4.

ENGROSSED HOUSE BILL NO. 1263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1266, by Committee on Financial Institutions (originally sponsored by Representative Eng):

Authorizing the director of general administration to deputize an assistant as supervisor of division of savings and loan associations to perform the supervisor's functions in his absence.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Substitute House Bill No. 1266 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1266, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Absent or not voting: Senators Bottiger, Gould, Lewis—3.

Excused: Senators Francis, Jones, Mardesich, Matson—4.

SUBSTITUTE HOUSE BILL NO. 1266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1348, by Committee on Insurance (originally sponsored by Representative Knedlik):

Providing for increased coverage for uninsured motorists at the purchaser's option.

REPORT OF STANDING COMMITTEE

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 1348, providing for increased coverage for uninsured motorists at the purchaser's option (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

Add a new section following Section 1 as follows:

"NEW SECTION. Sec. 2. The limits of uninsured or under insured coverage shall only apply to the vehicle involved in the accident."

Signed by: Senators Woody, Chairman; Herr, Mardesich, Walgren.

The bill was read the second time by sections.

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

On motion of Senator Woody, the rules were suspended, Substitute House Bill No. 1348, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1348, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 14; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—29.

Voting nay: Senators Bluechel, Buffington, Clarke, Gould, Guess, Hayner, Lewis, Morrison, Murray, Newschwander, North, Rasmussen, Sellar, Wanamaker—14.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Francis, Jones, Mardesich, Matson—4.

SUBSTITUTE HOUSE BILL NO. 1348, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 338.

SECOND READING

ENGROSSED HOUSE BILL NO. 338, by Representative Eng:

Providing for the removal of bank officers and bank cease and desist orders by the supervisor.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 338 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 338, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 4; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Bottiger, Clarke, Lewis, Scott—4.

Excused: Senators Francis, Jones, Mardesich, Matson—4.

ENGROSSED HOUSE BILL NO. 338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2197, with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 1, chapter 153, Laws of 1965 as amended by section 1, chapter 245, Laws of 1971 ex sess. and RCW 18.44.010 are each amended to read as follows:

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

(1) "Department" means the department of motor vehicles.

(2) "Director" means the director of the department of motor vehicles, or his duly authorized representative.

(3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(4) "Escrow agent" means any (~~person~~) sole proprietorship, firm, association, partnership, or corporation engaged in the business of performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.

(5) "Certificated escrow agent" means any (~~person~~) sole proprietorship, firm, association, partnership, or corporation holding a certificate of registration as an escrow agent under the provisions of this chapter (~~, including corporations, firms, copartnerships and sole proprietors~~).

(6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

(7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director.

(8) "Escrow commission" means the escrow commission of the state of Washington created by RCW 18.44.210.

(9) "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of

business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

Sec. 2. Section 2, chapter 153, Laws of 1965 as last amended by section 2, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.020 are each amended to read as follows:

It shall be unlawful for any person to engage in business as an escrow agent within this state unless such person (~~(has been registered with the department and issued a)~~) possesses a valid certificate of registration issued by the director pursuant to this chapter: **PROVIDED**, That the registration and licensing requirements of this chapter shall not apply to:

(1) Any person doing business under the law of this state or the United States relating to banks, trust companies, mutual savings banks, savings and loan associations, credit unions, insurance companies, title insurance companies, the duly authorized agents of title insurance companies the business of which agents is exclusively devoted to the title insurance business, or any federally approved agency or lending institution under the National Housing Act.

(2) Any person licensed to practice law in this state while engaged in the performance of his professional duties.

(3) Any company, broker, or agent subject to the jurisdiction of the director while performing acts in the course of or incidental to sales or purchases of real or personal property handled or negotiated by such company, broker, or agent: **PROVIDED, HOWEVER**, That no compensation is received for escrow services.

(4) Any transaction in which money or other property is paid to, deposited with, or transferred to a joint control agent for disbursement or use in payment of the cost of labor, material, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property.

(5) Any receiver, trustee in bankruptcy, executor, administrator, guardian, or other person acting under the supervision or order of any superior court of this state or of any federal court.

Sec. 3. Section 3, chapter 153, Laws of 1965 and RCW 18.44.030 are each amended to read as follows:

An application for registration as an escrow agent shall be in writing in such form as is prescribed by the director, and shall be verified on oath by the applicant. If the applicant is a corporation, the application shall include a list of the officers and directors of such corporation, and their addresses; if the applicant is a firm or (~~(copartnership))~~ partnership, the application shall include a list of the names and addresses of the partners. The application shall include a consent to service of process, in such form as the director shall prescribe, and payment of the fee required by RCW 18.44.080.

Sec. 4. Section 4, chapter 153, Laws of 1965 as amended by section 3, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.040 are each amended to read as follows:

Each applicant shall, at the time of applying for registration, file with the director:

(1) (~~(Affidavits by any three persons listed in subsections (1) through (3) of RCW 18.44.020, stating that they are acquainted with the applicant or its principal officers and that they believe him to be of good character and reputation:))~~ The applicant's business form and place of organization.

(2) In the event the applicant is doing business under an assumed name, a certified copy of the certificate of assumed name as filed with the county clerk in the county or counties in which the applicant does business or proposes to do business, as provided in chapter 19.80 RCW.

(3) The qualification and business history including a commercial type credit and character report from a recognized credit reporting bureau satisfactory to the director on the applicant, principal officers, controlling person, or partners.

(4) Such proof as the director may require concerning the honesty, veracity, and good reputation, as well as the identity of the applicant, principal officers, controlling person, or partners. Identification of the applicant, principal officers, or partners shall include but not be limited to fingerprints.

(5) Whether the applicant, principal officers, or partners have been convicted of any crime within the preceding ten years which relate directly to the business or duties of escrow agents, or have suffered a judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion.

(6) The identity of the natural person designated as the escrow officer to supervise the agent's escrow activity.

(7) Any other information the director may reasonably require.

Sec. 5. Section 5, chapter 153, Laws of 1965 as amended by section 4, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.050 are each amended to read as follows:

At the time of filing an application as an escrow agent, or any renewal or reinstatement thereof, the applicant shall satisfy the director that it has obtained ((a fidelity bond providing fidelity coverage on the applicant and on each officer and employee of the applicant engaged in escrow transactions. Such applicant shall keep said bond in effect at all times while his certificate of registration is in effect. Such bond shall be a primary commercial blanket bond or its equivalent as required by the director and written by an insurer authorized to transact surety insurance business in the state of Washington. Such bond shall provide fidelity coverage in the amount of two hundred thousand dollars and may be canceled by the surety upon delivering thirty days written notice to the director and the principal:)) the following as evidence of financial responsibility:

(1) A fidelity bond providing coverage in the amount of two hundred thousand dollars on each officer and employee of the applicant engaged in escrow transactions; and

(2) An errors and omissions policy issued to the escrow agent providing coverage in the minimum amount of fifty thousand dollars per loss.

For the purposes of this section, a "fidelity bond" shall mean a primary commercial blanket bond or its equivalent satisfactory to the director and written by an insurer authorized to transact surety business in the state of Washington. Such bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the employees or officers as defined in the bond, acting alone or in collusion with others. Said bond shall be for the sole benefit of the escrow agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party. The bond shall name the escrow agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

For the purposes of this section, an "errors and omissions policy" shall mean a group or individual insurance policy satisfactory to the director and issued by an insurer authorized to transact insurance business in the state of Washington. Such policy shall provide coverage for unintentional errors and omissions of the escrow agent and its employees, and may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

Except as provided in section 30 of this 1977 amendatory act, the fidelity bond and the errors and omissions policy required by this section shall be kept in full

force and effect as a condition precedent to the escrow agent's authority to transact escrow business in this state, and the escrow agent shall supply the director with satisfactory evidence thereof upon request.

Sec. 6. Section 7, chapter 153, Laws of 1965 and RCW 18.44.070 are each amended to read as follows:

Every certificated escrow agent shall keep adequate records of all transactions handled by or through him including itemization of all receipts and disbursements of each transaction, which records shall be open to inspection by the director or his authorized representatives.

Every certificated agent shall keep a separate escrow fund account in a recognized Washington state depository authorized to receive funds, in which shall be kept separate and apart and segregated from the agent's own funds, all funds or moneys of clients which are being held by the agent pending the closing of a transaction and such funds shall be deposited not later than the first banking day following receipt thereof.

Violation of this section shall constitute grounds for suspension or revocation of the registration ~~((and the certificate thereof))~~ or license of any person under this chapter and such additional penalties as may be prescribed in Title 9A RCW.

Sec. 7. Section 8, chapter 153, Laws of 1965 as amended by section 5, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.080 are each amended to read as follows:

The director shall charge and collect the following fees:

(1) For filing an original or a renewal application for registration as an escrow agent, an annual fee of one hundred dollars for the first office or location and ~~((five))~~ twenty-five dollars for each additional office or location.

(2) For filing an ~~((original or a renewal application for registration as an escrow officer, an annual fee of fifty dollars))~~ application for a change of address, ten dollars for each certificate of registration and for each escrow officer license being so changed.

(3) For filing an application for a duplicate of a certificate of registration or of an escrow officer license lost, stolen, destroyed, or for replacement, ~~((five))~~ ten dollars.

(4) All fees received by the director under this chapter shall be paid by him into the state treasury to the credit of the general fund.

Sec. 8. Section 9, chapter 153, Laws of 1965 and RCW 18.44.090 are each amended to read as follows:

Upon the filing of the application for registration as an escrow agent ~~((, the affidavits of character, the certificate of assumed name, if appropriate, the acceptance of the bond or other indemnity insurance, and the payment of the filing fee))~~ on a form provided by the director and satisfying the requirements as set forth in this chapter, the director shall issue and deliver to the applicant a certificate of registration to engage in the business of an escrow agent at the location ~~((or locations))~~ set forth in the certificate ~~((or certificates))~~.

Sec. 9. Section 13, chapter 153, Laws of 1965 and RCW 18.44.130 are each amended to read as follows:

The revocation, suspension, surrender or expiration of an escrow agent's certificate shall not impair or affect preexisting escrows accepted by the agent prior to such revocation, suspension, surrender or expiration: **PROVIDED, That the escrow agent shall within five work days provide written notice to all principals of such pre-existing escrows of the agent's loss of registration. The notice shall include as a minimum the reason for the loss of registration, the estimated date for completing the escrow, and the condition of the agent's bond and whether it is in effect or whether notice of cancellation has been given. The notice shall afford the principals the right to withdraw the escrow without monetary loss.**

Sec. 10. Section 17, chapter 153, Laws of 1965 and RCW 18.44.160 are each amended to read as follows:

Whenever it shall appear that any person, required by this chapter to register with the department, is conducting business as an escrow agent without having applied for and obtained a certificate of registration, or that any certificated escrow agent is conducting business in a manner deemed unsafe or injurious to the public or any party having business relations with such escrow agent as a contracting party to an escrow agreement as defined in RCW 18.44.010, or in violation of any of the provisions of this chapter, the attorney general or the prosecuting attorney of the appropriate county may, after such investigation as may be necessary, apply to the appropriate court for an order enjoining the person from engaging in or continuing to engage in the activity violative of this chapter, and upon a showing that such person has engaged, or is about to engage, in any such activity, a permanent or temporary injunction, restraining order, or other appropriate order may be issued by the court.

~~((Alternatively or in addition, the attorney general or prosecuting attorney of the appropriate county may bring an action in the superior court to revoke or suspend the registration of any person under this chapter for violation of any provision thereof.))~~

Sec. 11. Section 7, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.200 are each amended to read as follows:

No escrow agent shall engage in the business of handling escrow transactions unless such transactions are ~~((handled by an agent))~~ supervised by a licensed ((as an)) "escrow officer": PROVIDED, That (1) in the case of a partnership, one licensed partner ~~((may))~~ shall act on behalf of the partnership; (2) in the case of a corporation, one licensed officer thereof ~~((may))~~ shall act on behalf of the corporation; and (3) each branch office shall be required to have at least one licensed escrow officer designated by the escrow agent. Responsibility for the conduct of any escrow agent, escrow officers, or branch escrow officers covered by this chapter shall rest with the escrow officer having direct supervision of such person's escrow activities. The branch escrow officer shall bear responsibility for persons operating under each branch escrow officer's supervision at a branch escrow office.

Sec. 12. Section 8, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.210 are each amended to read as follows:

There is established an escrow commission of the state of Washington, consisting of the director, who shall be chairman, and four commission members who shall act in an advisory capacity to the director. The commission ~~((shall consist of five members, which shall consist of the director who shall be chairman, and the remaining))~~ members shall be appointed by the governor for a term of four years each: PROVIDED, That one of such appointees shall be selected from persons designated by the governing authority of the escrow association of Washington, and one shall be selected from designees of the governing authority of the Washington state bar association, and the remaining two members shall be selected from persons engaged in the business of handling escrow transactions ~~((: PROVIDED FURTHER, That for the first term of office, the two members selected at the governor's discretion shall serve for a term of two years each))~~.

Sec. 13. Section 9, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.220 are each amended to read as follows:

Any person desiring to be an escrow officer ~~((shall meet the requirement of RCW 18.44.040 and))~~ must successfully pass an examination ~~((: be a resident of the state of Washington and furnish such other proof as the director may require concerning his honesty, truthfulness, and good reputation))~~. The person shall make application for an escrow officer examination on a form provided by the director and

pay an examination fee of twenty-five dollars. The applicant shall satisfy the director that the applicant is at least eighteen years old and is a resident of the state of Washington.

Sec. 14. Section 11, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.240 are each amended to read as follows:

The escrow officer examination ((given)) shall encompass the following:

- (1) Appropriate knowledge of the English language, including reading, writing, and arithmetic((-));
- (2) An understanding of the principles of real estate conveyancing, the general purposes and legal effects of deeds, mortgages, deeds of trust, contracts of sale, exchanges, rental and optional agreements, leases, earnest money agreements, personal property transfers, and encumbrances((-));
- (3) An understanding of the obligations between principal and agent((-)); and
- (4) An understanding of the meaning and nature of encumbrances upon real property.

The examination shall be in such form as prescribed by the director and approved by the commission, and shall be given at least annually.

~~((Upon successful completion of the examination the director shall issue an "escrow officer" license to the applicant which license shall be renewable annually.))~~

Sec. 15. Section 12, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.250 are each amended to read as follows:

The ((commission)) director shall have the authority to hold educational conferences for the benefit of the industry and shall conduct examinations for licenses as an escrow officer.

Sec. 16. Section 13, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.260 are each amended to read as follows:

The director may, ~~((upon his own motion, and shall, upon verified complaint in writing by any person, investigate the actions of any licensed escrow officer and may temporarily))~~ upon notice to the escrow agent and to the insurer providing coverage under RCW 18.44.050 as now or hereafter amended, by order deny, suspend, or ((permanently)) revoke ((or deny such license for any holder who)) the certificate of registration or license of any escrow agent or escrow officer if he finds that the applicant or any partner, officer, director, controlling person, or employee is guilty of the following:

- (1) Obtaining a license or registration by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director.
- (2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto.
- (3) The commission of a crime against the laws of this or any other state or government, involving moral turpitude or dishonest dealings.
- (4) Knowingly committing or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the word, representation, or conduct of the licensee or agent or any partner, officer, director, controlling person, or employee acts to his injury or damage.

(5) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title to his own use or to the use of his principal or of any other person, when delivered to him in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion.

(6) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book, or record in his possession for inspection of, the director or his authorized representatives (~~(acting by authority of law)~~).

(7) Committing any act of fraudulent or dishonest dealing, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter.

(8) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal.

Sec. 17. Section 14, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.270 are each amended to read as follows:

The proceedings for revocation (~~(or)~~), suspension (~~(of a license)~~), or refusal to renew (~~(a license)~~) or accept an application for renewal of an escrow agent's registration or escrow officer license, and any appeal therefrom or review thereof shall be governed by the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 18. There is added to chapter 18.44 RCW a new section to read as follows:

No escrow agent, officer, or employee shall publish or otherwise place before the public any advertisement, announcement, or statement which uses or makes reference to the existence of the financial responsibility requirements of this chapter, including but not limited to references to "bonded" or "insured".

No firm or organization engaged in escrow transactions, whether or not such firm is doing business in a corporate form, shall use in the name of such firm any reference to the financial responsibility requirements of this chapter, including but not limited to "bonded" or "insured".

NEW SECTION. Sec. 19. There is added to chapter 18.44 RCW a new section to read as follows:

Notice in writing shall be given to the director and to the insurer providing coverage under RCW 18.44.050 as now or hereafter amended of any change of business location or of branch office location. Upon the surrender of the original registration for the agent or the registration applicable to a branch office and a payment of a fee, the director shall issue a new certificate covering the new location.

NEW SECTION. Sec. 20. There is added to chapter 18.44 RCW a new section to read as follows:

If the director determines after notice and hearing that a person has:

(1) Violated any provision of this chapter; or
 (2) Directly, or through an agent or employee, engaged in any false, deceptive, or misleading

(a) advertising or promotional activity, or

(b) business practices; or

(3) Violated any lawful order, rule, or regulation of the director; the director may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the director will carry out the purposes of this chapter.

If the director makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the director, whenever possible by telephone or otherwise, shall give notice of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether or not the order becomes permanent.

If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter, or a rule or order under this chapter, the director, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce

compliance with this chapter or any rule, regulation, or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The director shall not be required to post a bond in any court proceedings.

NEW SECTION. Sec. 21. There is added to chapter 18.44 RCW a new section to read as follows:

The director may:

(1) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule, regulation, or order under this chapter, or to aid in the enforcement of this chapter or in the prescribing of rules and forms under this chapter; or

(2) Require or permit any person to file a statement in writing, under oath or otherwise as the director determines, as to all facts and circumstances concerning the matter to be investigated.

For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths or affirmations, and upon his own motion or upon request of any party, may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge or relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 22. There is added to chapter 18.44 RCW a new section to read as follows:

Any person desiring to be an escrow officer shall meet the requirements of RCW 18.44.220 as provided in this chapter. The applicant shall make application endorsed by a certificated escrow agent to the director on a form to be prescribed and furnished by the director. Such application must be received by the director within one year of passing the escrow officer examination. With this application the applicant shall:

(1) Pay a license fee as set forth in this chapter; and

(2) Furnish such proof as the director may require concerning his honesty, truthfulness, good reputation, and identity, including but not limited to fingerprints.

NEW SECTION. Sec. 23. There is added to chapter 18.44 RCW a new section to read as follows:

Any person desiring to be an escrow officer must include with the application a license fee of fifty dollars. Every escrow officer license issued under the provisions of this chapter expires on the date one year from the date of issue which date will henceforth be the renewal date. An annual license renewal fee in the same amount must be paid on or before each renewal date: **PROVIDED**, That licenses issued or renewed prior to the effective date of this 1977 amendatory act shall use the existing renewal date as the date of issue. If the application for a renewal license is not received by the director on or before the renewal date such license is expired. The license may be reinstated at any time prior to the next succeeding renewal date following its expiration upon the payment to the director of the annual renewal fee then in default. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency. Licenses not renewed within one year of the renewal date then in default shall be cancelled. A new license may

be obtained by satisfying the procedures and qualifications for initial licensing, including where applicable successful completion of examinations.

NEW SECTION. Sec. 24. There is added to chapter 18.44 RCW a new section to read as follows:

The license of an escrow officer shall be retained and displayed at all times by the certificated escrow agent, and when the officer ceases to represent the agent, the license shall cease to be in force. Notice of such termination shall be given by the next regular business day by the escrow agent to the director and such notice shall be accompanied by and include the surrender of the escrow officer's license. Failure to notify the director of such termination after demand by the affected escrow officer shall work a forfeiture of the escrow agent's certificate of registration.

The director may hold the escrow officer's license inactive for a period not exceeding three consecutive years upon application of the escrow officer: **PROVIDED,** That the escrow officer shall pay the annual renewal fee. Such license may be activated upon application of a certificated escrow agent on a form provided by the director, endorsement by an escrow officer, and the payment of a ten dollar fee. The director shall thereupon issue a new license for the unexpired term if such escrow officer is otherwise entitled thereto. An escrow officer's first license shall not be issued inactive.

NEW SECTION. Sec. 25. There is added to chapter 18.44 RCW a new section to read as follows:

The director may issue rules and regulations to govern the activities of certificated escrow agents and escrow officers. The director shall enforce all laws, rules, and regulations relative to the registration of escrow agents and licensing of escrow officers. The director may hold hearings and suspend or revoke the registration or licenses of violators and may deny, suspend, or revoke the authority of an escrow officer to act as the designated escrow officer of a person who commits violations of this chapter or of the rules and regulations.

Except as specifically provided in this chapter, the rules adopted and the hearings conducted shall be in accordance with the provisions of chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 26. There is added to chapter 18.44 RCW a new section to read as follows:

An escrow agent shall not operate an escrow business in a location other than the location set forth on the agent's certificate of registration issued by the director. The escrow agent may apply to the director for authority to establish one or more branch offices under the same name as the main office.

Any person desiring to operate a branch escrow office shall make application on a form provided by the director and pay a fee as set forth in this chapter. Such application shall identify the natural person designated as the escrow officer to supervise the agent's escrow activity at the escrow agent branch office.

No escrow agent branch office certificate of registration shall be issued until the applicant has satisfied the director that the escrow activity of said branch meets all financial responsibility requirements governing the conduct of escrow activity.

NEW SECTION. Sec. 27. There is added to chapter 18.44 RCW a new section to read as follows:

Upon the filing of the application for an escrow agent branch office and satisfying the requirements of this chapter, the director shall issue and deliver to the applicant a certificate of registration to engage in the business of an escrow agent at the branch location set forth on the certificate.

NEW SECTION. Sec. 28. There is added to chapter 18.44 RCW a new section to read as follows:

Each escrow agent and escrow agent branch office certificate of registration and each escrow officer license, when issued, shall be in the form and size prescribed by the director and shall state in addition to any other matter required by the director:

- (1) The name of the licensee or registrant;
- (2) The name under which the applicant will do business;
- (3) The address at which the applicant will do business;
- (4) The expiration date of the license or registration; and
- (5) In the case of a corporation, partnership, or branch office, the name of the natural person who is designated to act as the escrow officer on behalf thereof.

NEW SECTION. Sec. 29. There is added to chapter 18.44 RCW a new section to read as follows:

The four escrow commission members shall each receive fifty dollars per day for each day engaged in official business of the commission, plus travel expenses as provided for state officials and employees in RCW 43.03.050 and 43.03.060, when called into session by the director or when otherwise engaged in the business of the commission.

NEW SECTION. Sec. 30. There is added to chapter 18.44 RCW a new section to read as follows:

The director shall, within thirty days after the written request of the escrow commission, hold a public hearing to determine whether the fidelity bond and/or the errors and omissions policy specified in RCW 18.44.050 as now or hereafter amended is reasonably available to a substantial number of certificated escrow agents. If the director determines and the insurance commissioner concurs that such bond and/or policy is not reasonably available, the director shall waive the requirements for such bond and/or policy for a fixed period of time not to exceed ninety days after the next regular session of the legislature.

NEW SECTION. Sec. 31. There is added to chapter 18.44 RCW a new section to read as follows:

After a written determination by the director, with the consent of the insurance commissioner, that the fidelity bond and/or the errors and omissions policy required under RCW 18.44.050 as now or hereafter amended is cost-prohibitive, or after a determination as provided in section 30 of this 1977 amendatory act that such bond or policy is not reasonably available, upon the request of an association comprised of certificated escrow agents, the director, with the consent of the insurance commissioner, may authorize such association to organize a mutual corporation pursuant to chapter 24.06 RCW, exempt from the provisions of Title 48 RCW, for the purpose of insuring or self-insuring against claims arising out of escrow transactions, if, in the director's judgment, there is a substantial likelihood that the corporation will operate for the benefit of the public and if the corporation shall have established rules, procedures, and reserves which satisfy the director that it will operate in a financially responsible manner which provides a substantial probability that it shall be able to pay any claims made against the corporation, up to the limits of financial responsibility as provided in RCW 18.44.050, as now or hereafter amended. The director, with the consent of the insurance commissioner, may limit the authority of the corporation to the insuring or self-insuring of claims which would be within the coverage specified in RCW 18.44.050. The director, with the consent of the insurance commissioner, may revoke the authority of the corporation to transact insurance or self-insurance if he determines, pursuant to chapter 34.04 RCW, that the corporation is not acting in a financially responsible manner or for the benefit of the public. Any corporation established pursuant to this section shall cease to exist, except for the payment of incurred claims, ninety days after the next regular session of the legislature unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 32. Section 10, chapter 245, Laws of 1971 ex. sess., section 1, chapter 163, Laws of 1973 1st ex. sess. and RCW 18.44.230 are each repealed.

NEW SECTION. Sec. 33. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 34. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on June 15, 1977."

In the title, line 1, strike everything after "escrow;" and insert "amending section 1, chapter 153, Laws of 1965 as amended by section 1, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.010; amending section 2, chapter 153, Laws of 1965 as last amended by section 2, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.020; amending section 3, chapter 153, Laws of 1965 and RCW 18.44.030; amending section 4, chapter 153, Laws of 1965 as amended by section 3, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.040; amending section 5, chapter 153, Laws of 1965 as amended by section 4, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.050; amending section 7, chapter 153, Laws of 1965 and RCW 18.44.070; amending section 8, chapter 153, Laws of 1965 as amended by section 5, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.080; amending section 9, chapter 153, Laws of 1965 and RCW 18.44.090; amending section 13, chapter 153, Laws of 1965 and RCW 18.44.130; amending section 17, chapter 153, Laws of 1965 and RCW 18.44.160; amending section 7, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.200; amending section 8, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.210; amending section 9, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.220; amending section 11, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.240; amending section 12, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.250; amending section 13, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.260; amending section 14, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.270; adding new sections to chapter 18.44 RCW; repealing section 6, chapter 153, Laws of 1965 and RCW 18.44.060; repealing section 10, chapter 245, Laws of 1971 ex. sess., section 1, chapter 163, Laws of 1973 1st ex. sess. and RCW 18.44.230; declaring an emergency; and prescribing an effective date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2197.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2197, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 6; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Absent or not voting: Senators Bausch, Bottiger, Day, Lewis, Sandison, Wojahn—6.

Excused: Senators Francis, Jones, Mardesich, Matson—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2197, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2210, with the following amendments:

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

"NEW SECTION. Section 1. (1) Notwithstanding the provisions of RCW 48.40.080, a funeral establishment licensed pursuant to chapter 18.39 RCW may enter into prearrangement funeral service contracts, subject to the provisions of this chapter.

(2) Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter:

(a) "Prearrangement funeral service contract" means any contract, other than a contract entered into by an insurance company, under which, for a specified consideration paid in advance in a lump sum or by installments, a funeral establishment promises, upon the death of a beneficiary named or implied in the contract, to furnish funeral merchandise or services.

(b) "Funeral merchandise or services" shall mean those services normally performed and merchandise normally provided by funeral establishments including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

(c) "Qualified public depository" means a depository defined by RCW 39.58-.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.

NEW SECTION. Sec. 2. (1) Any funeral establishment selling by prearrangement funeral service contract any funeral merchandise or services shall establish and maintain one or more prearrangement funeral service trust funds for the benefit of the beneficiary of the prearrangement funeral service contract.

(2) Fifteen percent of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment. Deposits to the prearrangement funeral service trust fund shall be made not later than the twentieth day of the month following the receipt of each payment made on the last eighty-five percent of each prearrangement funeral service contract, excluding sales tax.

(3) All prearrangement funeral service trust funds shall be deposited in a qualified public depository. The account shall be designated as the prearrangement funeral service trust fund of the particular funeral establishment for the benefit of the beneficiaries named in the prearrangement funeral service contract.

(4) All interest, dividends, increases, or accretions of whatever nature earned by a trust fund shall be kept unimpaired and shall become a part of the trust fund, and adequate records shall be maintained to allocate the share thereof to each contract.

(5) A depository designated as the depository of a prearrangement funeral service trust fund shall permit withdrawal of all funds deposited under a prearrangement funeral service contract, plus accruals thereon, under the following circumstances and conditions:

(a) If the funeral establishment files a verified statement with the depository that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(b) If the funeral establishment files a verified statement with the depository that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms.

(6) Any purchaser or beneficiary who has procured a prearrangement funeral service contract shall have the right to demand a refund of the entire amount paid on the contract, together with all interest, dividends, increases, or accretions to the funds.

(7) Prearrangement funeral service contracts shall automatically terminate if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, or for any other reason is unable to fulfill the obligations under the contract. In such event, and upon demand by the purchaser or beneficiary of the prearrangement funeral service contract, the depository of the prearrangement funeral service contract funds shall refund to the purchaser or beneficiary all funds deposited under the said contract, unless otherwise ordered by a court of competent jurisdiction.

(8) Prearrangement funeral service trust funds shall not be used, directly or indirectly, for the benefit of the funeral establishment or any director, officer, agent, or employee of the funeral establishment including, but not limited to, any encumbrance, pledge, or other use of prearrangement funeral service trust funds as collateral or other security.

(9) Every prearrangement funeral service contract shall contain language which informs the purchaser of the prearrangement funeral service trust fund and the amount to be deposited in the trust fund, which may not be less than eighty-five percent of the cash purchase price of the contract.

NEW SECTION. Sec. 3. No funeral establishment shall enter into prearrangement funeral service contracts in this state unless the funeral establishment has obtained a certificate of registration issued by the commissioner and such certificate is then in force.

NEW SECTION. Sec. 4. To qualify for and hold a certificate of registration a funeral establishment must:

(1) Be licensed pursuant to chapter 18.39 RCW; and

(2) Fully comply with and qualify according to the provisions of this chapter.

NEW SECTION. Sec. 5. The commissioner may refuse to renew or may revoke or suspend a funeral establishment's certificate of registration, if the funeral establishment:

(1) Fails to comply with any provisions of this chapter or any proper order or regulation of the commissioner;

(2) Is found by the commissioner to be in such condition that further execution of prearrangement contracts could be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records and files for examination by the commissioner when required; or

(4) Is found by the commissioner after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or to the public.

NEW SECTION. Sec. 6. To apply for an original certificate of registration, a funeral establishment must:

(1) File with the commissioner its request showing:

(a) Its name, location, and organization date;

- (b) The kinds of funeral business it proposes to transact;
 - (c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the commissioner; and
 - (d) Such other documents, stipulations, or information as the commissioner may reasonably require to evidence compliance with the provisions of this chapter.
- (2) Deposit with the commissioner the fees required by this chapter to be paid for filing the accompanying documents, and for the certificate of registration, if granted.

NEW SECTION. Sec. 7. All certificates of registration issued pursuant to this chapter shall continue in force until suspended, revoked, or renewed. A certificate shall be subject to renewal annually on the first day of July upon application by the funeral establishment and payment of the required fees.

The commissioner shall collect in advance the following fees:

- (1) Certificate of registration:
 - (a) Issuance – thirty-five dollars;
 - (b) Renewal – fifteen dollars;
 - (2) Annual statement of financial condition – ten dollars.

All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following receipt of such funds and the funds shall be credited to the general fund.

NEW SECTION. Sec. 8. The commissioner shall give a funeral establishment notice of his intention to suspend, revoke, or refuse to renew the establishment's certificate of registration not less than ten days before the order of suspension, revocation or refusal is to become effective.

No funeral establishment whose certificate of registration has been suspended, revoked, or refused shall subsequently be authorized to enter into prearrangement contracts unless the grounds for such suspension, revocation, or refusal in the opinion of the commissioner no longer exist and the funeral establishment is otherwise fully qualified.

Upon the suspension, revocation or refusal of a funeral establishment's certificate of registration, the commissioner shall give written notice of such action to the director of the department of motor vehicles.

NEW SECTION. Sec. 9. (1) Each authorized funeral establishment shall annually, before the first day of March, file with the commissioner a true and accurate statement of its financial condition, transactions, and affairs for the preceding calendar year. The statement shall be on such forms and shall contain such information as required by this chapter and by the commissioner.

(2) The commissioner shall suspend or revoke the certificate of registration of any funeral establishment which fails to file its annual statement when due or after any extension of time which the commissioner has, for good cause, granted.

NEW SECTION. Sec. 10. No prearrangement funeral contract forms shall be used without the prior approval of the commissioner.

The commissioner shall disapprove any such contract form, or withdraw prior approval when such form:

- (1) Violates or does not comply with this chapter;
- (2) Contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the merchandise or service purported to be provided in the general coverage of the contract;
- (3) Has any title, heading, or other part of its provisions which is misleading; or
- (4) Is being solicited by deceptive advertising.

NEW SECTION. Sec. 11. (1) The commissioner shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this chapter.

(2) The commissioner may:

(a) Make reasonable rules and regulations for effectuating any provision of this chapter in accordance with chapter 34.04 RCW;

(b) Conduct investigations to determine whether any person has violated any provision of this chapter; and

(c) Conduct examinations, investigations, and hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this chapter.

NEW SECTION. Sec. 12. Any person who shall violate or fail to comply with, or aid or abet any person in the violation of, or failure to comply with any of the provisions of this chapter shall be guilty of a gross misdemeanor pursuant to chapter 9A.20 RCW. Any such violation shall constitute an unfair practice under chapters 19.86 and 48.30 RCW and conviction thereunder shall be grounds for license revocation under chapter 18.39 RCW. Retail installment transactions under this chapter shall be governed by chapter 63.14 RCW.

NEW SECTION. Sec. 13. Sections 1 through 12 are each added to chapter 48.40 RCW.

NEW SECTION. Sec. 14. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

On line 2 of the title, beginning with "amending" strike all the material through "68.46.110" on line 22 and insert "adding new sections to chapter 48.40 RCW"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Substitute Senate Bill No. 2210.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2210, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keeffe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Bausch, Bottiger, Peterson, Sandison—4.

Excused: Senators Francis, Jones, Mardesich, Matson—4.

SUBSTITUTE SENATE BILL NO. 2210, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 13, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2199, with the following amendment:

On page 1, line 28, after "alcoholism" strike "treatment" and insert "recovery", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Lewis, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2199.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2199, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Bausch, Bottiger, Peterson, Sandison—4.

Excused: Senators Francis, Jones, Mardesich, Matson—4.

ENGROSSED SENATE BILL NO. 2199, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 24, 1977.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2143, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Knowles, Boldt and Tilly.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute Senate Bill No. 2143, and the House amendments thereto, was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 2143 and the House amendments thereto: Senators Day, Sellar and Francis.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 24, 1977.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 183, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Smith, Sherman and Winsley, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 183 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 183 and the Senate amendments thereto: Senators Marsh, Hayner and Bottiger.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 24, 1977.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, and asks the Senate for a conference thereon. The speaker has appointed as members of the conference committee: Representatives Smith, Knedlik and Newhouse, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute House Bill No. 353 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 353 and the Senate amendments thereto: Senators Fleming, Wanamaker and Bottiger.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 11:30 a.m., on motion of Senator Walgren, the Senate recessed until 12:10 p.m.

NOON SESSION

The President called the Senate to order at 12:10 p.m.

MOTION

At 12:10 p.m., on motion of Senator Marsh, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2132,
 SENATE BILL NO. 2159,
 SENATE BILL NO. 2202,
 SUBSTITUTE SENATE BILL NO. 2811.

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

MESSAGE FROM THE HOUSE

May 24, 1977.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 2445**, with the following amendments:

On page 1, line 13, after "vehicle;" strike "and"

On page 1, line 18, after "installation" strike the period and insert "; and"

On page 1, after line 17, insert a new subsection as follows:

"(c) "automotive repairing" should not include the change or repair of tires; the lubrication of vehicles; the installation of light bulbs, batteries, windshield wiper blades, and other minor accessories; the cleansing, adjustment, and replacement of spark plugs; the replacement of fan belts, oil and oil filters; and other minor services which are customarily performed by gasoline service stations."

On page 2, line 8, after "customer" strike "in writing" and insert "a written estimate or"

On page 3, following section 8, add a new section as follows:

"NEW SECTION. Sec. 9. This 1977 amendatory act shall take effect January 1, 1979."

On page 1, line 2 of the title after "46 RCW;" strike "and prescribing penalties" and insert "prescribing penalties; and prescribing an effective date", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Wojahn, the Senate concurred in the House amendment to Substitute Senate Bill No. 2445 to page 2, line 8, and refused to concur in the remaining amendments and asks the House to recede therefrom.

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

REPORTS OF STANDING COMMITTEE

May 25, 1977.

REENGROSSED HOUSE BILL NO. 271, adopting procedures for the establishment of transfer and clinical training programs at the University of Washington school of medicine for Washington residents attending foreign medical schools (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended along with amendments by Committee on Social and Health Services.

Signed by: Senators Clarke, Fleming, Grant, Jones, Marsh, Rasmussen, Ridder, Scott, Walgren, Washington.

MINORITY recommendation: Do not pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Sandison. Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3002.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of House Joint Resolution No. 55.

MOTION

On motion of Senator Marsh, Senator Bottiger was excused.

SECOND READING

HOUSE JOINT RESOLUTION NO. 55, by Representatives Conner and Gaines:

Permitting the legislature to establish reasonable rates, whether maximum or minimum for transportation.

The resolution was read the second time in full.

On motion of Senator Henry, the rules were suspended, House Joint Resolution No. 55 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 55, and the resolution passed the Senate by the following vote: Yeas, 40; nays, 3; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—40.

Voting nay: Senators Pullen, Rasmussen, Wilson—3.

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

Excused: Senators Bottiger, Francis, Mardesich—3.

HOUSE JOINT RESOLUTION NO. 55, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

HOUSE JOINT RESOLUTION NO. 56, by Representatives Conner and Gaines:

Removing the constitutional requirement prohibiting short-haul differential.

The resolution was read the second time in full.

On motion of Senator Henry, the rules were suspended, House Joint Resolution No. 56 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 56, and the resolution passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Donohue—1.

Excused: Senators Bottiger, Francis, Mardesich—3.

HOUSE JOINT RESOLUTION NO. 56, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

HOUSE JOINT RESOLUTION NO. 57, by Representatives Conner and Gaines:

Removing the constitutional prohibition against combinations by carriers.

The resolution was read the second time in full.

On motion of Senator Henry, the rules were suspended, House Joint Resolution No. 57 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 57, and the resolution passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—42.

Voting nay: Senators Pullen, Washington—2.

Absent or not voting: Senator Donohue—1.

Excused: Senators Bottiger, Francis, Mardesich—3.

HOUSE JOINT RESOLUTION NO. 57, having received the constitutional two-thirds majority, was declared passed.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 1277.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1277, by Committee on Education (originally sponsored by Representatives McKibbin, Clemente, Barnes, Bauer, Dunlap, Erickson, Shipoch and Haley) (by Governor Ray request):

Providing for a Washington state commission on educational structure and management.

REPORT OF STANDING COMMITTEE

May 11, 1977.

SUBSTITUTE HOUSE BILL NO. 1277, providing for a Washington state commission on educational structure and management (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is hereby created the Temporary Committee on Educational Policies, Structure and Management which shall consist of nine citizen members, appointed by the governor, one member from each political party of the house of representatives, appointed by the speaker of the house, and one member from each political party of the senate, appointed by the president of the senate. The nine citizen members shall be selected so as to assure representation for the geographical regions of the state.

NEW SECTION. Sec. 2. The educational complex in Washington consists of several components: Preschool; the common school system, which includes kindergarten through high school; the various delivery systems of vocational education; the community college system; the state colleges and universities; the independent and/or private institutions; educational instruction within other state institutions; and the supporting elements of each. Generally these components are organized into these sectors: Preschool-12th grade, vocational, and postsecondary.

While there have been important reports on one or the other of these sectors, or on individual components, there has not been a comprehensive review of their interrelationships for at least three decades.

A review of the educational complex is merited so that the legislative and administrative branches of government and the public may consider these and other questions: Coordination; needs of students and response to those needs; the role and missions of the components; educational diversity and independence; obstacles to orderly student progression; open access; efficiency; duplication; accreditation; graduation and entrance requirements from high school to postsecondary; efficient uses of public dollars; ways to improve the system possibly through managerial reorganization or combining of components; accountability of the various levels; student achievement; and a determination of what constitutes good instruction.

NEW SECTION. Sec. 3. The Temporary Committee on Educational Policies, Structure and Management shall undertake a general review of Washington education, its strengths and areas needed for improvement, and make a report on its findings to the governor, the legislature and the citizens of the state.

This review shall include an examination of those questions raised in section 2 of this act and:

- (1) An emphasis on the education of the student;
- (2) An examination of the current general practices in the sectors and their components with particular attention directed to their interrelationships, obstacles to student mobility and progression, and how the system or its components might be improved;
- (3) Examination of the educational goals of the sectors and a determination of their intended or proposed interrelationships and the extent to which they are consistent with each other;
- (4) Determination of the extent of duplication of educational services in both the vocational and academic areas, the extent to which such duplication may be unwarranted, and proposed corrections; and
- (5) Consideration of the nature and extent of any benefits, including those pertaining to student access, progression, and learning, improved information, and cost reduction, as well as any disadvantages, that might accrue from structural reorganization in Washington education.

The committee shall submit its report not later than February 15, 1979, and it shall cease its existence not later than June 30, 1979.

NEW SECTION. Sec. 4. The Temporary Committee on Educational Policies, Structure and Management may accept and expend funds in accordance with chapter 43.88 RCW from private sources and grants from public agencies for the purposes of fulfilling its duties: **PROVIDED**, That the acceptance and expenditure of such funds first must be approved by the governor.

The committee may establish advisory committees and task forces, as it may deem necessary, to assist it in the fulfillment of its duties.

The educational institutions, delivery systems, and support systems of the state shall fully cooperate with the committee in its investigations and deliberations.

The committee may employ such staff or consultants that it may deem necessary to fulfill its duties.

NEW SECTION. Sec. 5. There is hereby appropriated the sum of two hundred fifty thousand dollars, or so much of it as may be necessary, from the state general fund, to be used by the committee for the purposes of carrying out the provisions of sections 1 through 4 of this act.

NEW SECTION. Sec. 6. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Beginning on line 1 of the title after "education;" strike the remainder of the title and insert "providing for a Temporary Committee on Educational Policies, Structure and Management; describing its powers and duties; providing for its expiration; and making an appropriation."

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Washington.

The bill was read the second time by sections.

Senator McDermott moved adoption of the committee amendment.

Senator Murray moved adoption of the following amendment to the committee amendment.:

"NEW SECTION. Sec. 5. No money shall be expended or meetings of appointees to the Temporary Advisory Committee on Educational Policies and Management shall be held until the chairman and a majority of the appointed members have signed affidavits that they have read the complete Special Levy Study Commission Report of 1971.

The staff of the Senate Education Committee shall make available the report of the last Washington state committee review of education prior to the first meeting of the Temporary Advisory Committee on Educational Policies and Management committee.

The staff of the Senate Education Committee shall make available all reports submitted in the past five years by groups in other states to the members of the Temporary Advisory Committee on Educational Policies and Management prior to the first meeting of the Temporary Advisory Committee on Educational Policies and Management.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Gould yield to a question? Senator Gould, have you read the Strayer report?"

Senator Gould: "I am sorry, no, I haven't. I don't even know what the Strayer report is, at least by that name I do not."

Senator Rasmussen: "A very prominent educator has made a very prominent report, and it is very good reading, and also there is the Canwell report, and it is very good reading, and there are numerous other reports, but of course, times are

changing and that is why it is necessary to review. They have a new report. I hope they make it brief, Senator Murray. I can't support your amendment."

Senator Gould: "In response, Senator, if I may offer—if I were ever appointed to any committee where those were necessary to read, I certainly would be glad to, thank you."

Further debate ensued.

The motion by Senator Murray failed and the amendment to the committee amendment was not adopted on a rising vote.

The motion by Senator McDermott carried and the committee amendment was adopted.

On motion of Senator McDermott, the committee amendment to the title was adopted.

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1277, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1277, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 22; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Day, Fleming, Gaspard, Henry, Herr, Keefe, Marsh, Monohon, Odegaard, Peterson, Rasmussen, Sandison, Talley, Walgren, Washington, Wojahn, Woody—20.

Voting nay: Senators Benitz, Buffington, Clarke, Goltz, Gould, Grant, Guess, Hayner, Jones, McDermott, Morrison, Murray, Newschwander, North, Pullen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—22.

Absent or not voting: Senators Donohue, Lewis, Matson—3.

Excused: Senators Bottiger, Francis, Mardesich—3.

SUBSTITUTE HOUSE BILL NO. 1277, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott moved the Senate reconsider the vote by which Substitute House Bill No. 1277, as amended by the Senate, failed to pass and the motion for reconsideration be held for May 28, 1977.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Scott moved the Senate immediately reconsider the vote by which Substitute House Bill No. 1277, as amended by the Senate, failed to pass.

Senator Guess demanded a roll call and the demand was sustained by Senators Newschwander, Day, Ridder, Washington, Scott, Sandison, Goltz, Odegaard and Talley.

The President declared the question before the Senate to be the motion by Senator McDermott that the motion to reconsider the vote by which Substitute House Bill No. 1277, as amended by the Senate, failed to pass the Senate be held for May 28, 1977.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried by the following vote: Yeas, 28; nays, 14; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Day, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—28.

Voting nay: Senators Benitz, Bullington, Clarke, Gould, Guess, Hayner, Jones, Morrison, Murray, Newschwander, North, Scott, Sellar, Wanamaker—14.

Absent or not voting: Senators Donohue, Lewis, Matson—3.

Excused: Senators Bottiger, Francis, Mardesich—3.

MOTION

On motion of Senator Jones, Senator Lewis was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 387, by Committee on Insurance (originally sponsored by Representatives Douthwaite and Grier):

Restricting reinsurance with insurer not authorized to insure in this state.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 387 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 387, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bullington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Lewis, Matson—2.

Excused: Senators Bottiger, Francis, Mardesich—3.

SUBSTITUTE HOUSE BILL NO. 387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1260, by Representatives Douthwaite, Maxie, Grier and Haley (by Insurance Commissioner request):

Modifying the bond, licensing, and fee provisions of the insurance laws.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Engrossed House Bill No. 1260 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1260, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Lewis, Matson—2.

Excused: Senators Bottiger, Francis, Mardesich—3.

ENGROSSED HOUSE BILL NO. 1260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1262, by Representatives Douthwaite, Maxie, Grier and Haley (by Insurance Commissioner request):

Modifying assessments of insurance guaranty association members.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Engrossed House Bill No. 1262 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1262, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Lewis—1.

Excused: Senators Bottiger, Francis, Mardesich—3.

ENGROSSED HOUSE BILL NO. 1262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 382.

SECOND READING

HOUSE BILL NO. 382, by Representatives Taller, Oliver, Lee, Chandler, Polk, Blair, Fuller, Fancher, Schmitt and Bond:

Exempting prescription drugs sold to the state or political subdivisions from sales tax.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 382 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 382, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Benitz, Lewis, Walgren—3.

Excused: Senators Bottiger, Francis, Mardesich—3.

HOUSE BILL NO. 382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Marsh: "Mr. President, I would like to raise a point of personal privilege on behalf of our colleague, Frank Woody. He asked me to thank George Clarke for standing up for him and helping him with the bills from the financial institutions committee. He made a point out of this that this shows the Democrats and Republicans can stand together, particularly when one of us is down on our backs. He thanks you very much, George, for this help."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 741, by Committee on Revenue (originally sponsored by Representatives O'Brien, Berentson, Hurley (Margaret), Lysen, Morcau and King):

Modifying property tax exemption laws pertaining to recapture penalties, reapplication procedures, and notification of change of use.

REPORT OF STANDING COMMITTEE

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 741, modifying property tax exemption laws pertaining to recapture penalties, reapplication procedures, and notification of change of use (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, strike the entire section 1 and insert the following:

"(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.040, (~~84.36.050~~) and 84.36.060, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes (~~-PROVIDED, That~~).

(2) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.050 to a school or college, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes, plus a tax, at the same rate as the property tax rate for that year, on the amount of profit from the sale of property (the difference between the sales price

and the purchase price plus improvements): PROVIDED, That where the school or college has operated for more than ten years, no penalty shall be assessed.

~~((3))~~ If the cessation of use under subsections (1) or (2) of this section involves a portion of the total property exemptions the provisions of ~~((this section))~~ those subsections shall apply only to that portion: PROVIDED FURTHER, That such additional tax shall not be imposed if the cessation of use resulted solely from:

~~((4))~~ (a) Transfer to an organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

~~((2))~~ (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

~~((3))~~ (c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

~~((4))~~ (d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

~~((5))~~ (e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Mardesich, Morrison, Murray, Rasmussen, Ridder, Scott, Washington, Woody.

The bill was read the second time by sections.

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

On motion of Senator Grant, the rules were suspended, Substitute House Bill No. 741, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 741, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 3.

Voting yeas: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Lewis—1.

Excused: Senators Bottiger, Francis, Mardesich—3.

SUBSTITUTE HOUSE BILL NO. 741, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate resumed consideration of the House Message on Engrossed Senate Bill No. 2282.

Earlier today, Senator Grant moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2282.

There being no objection, on motion of Senator Grant, the motion was withdrawn.

On motion of Senator Grant, the Senate concurred in the House amendments with the exception of the amendments to Sections 6, 7 and 8 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2990, with the following amendments:

On page 1, after line 21, insert the following:

"Sec. 2. Section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by members and guests only to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are conducted no more than twice each calendar year over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together does not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross

revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to "win", "place" or "show" and those holding tickets on the three winners may receive a pay-off similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the score of such participants, and those participants attaining such stated number of points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(7) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a commercial stimulant, a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize: PROVIDED, That all sums collected by the establishment from the sale of tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to any person other than the participants winning in the game or a recognized charity. The tickets shall be sold, and accounted for, separately from all other sales of the establishment. The price of any single ticket shall not exceed one dollar. Accounting records shall be available for inspection during business hours by any person purchasing a chance thereon, by the commission or its representatives, or by any law enforcement agency.

(8) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

The penalties provided for professional gambling in this chapter shall not apply to sports pools as described in this subsection, golfing sweepstakes and bowling activities as described in subsections (6) and (7) of this section, social card games, bingo games, raffles, punch boards, pull-tabs, or amusement games when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission."

On page 1, on line 1 of the title, after "gambling;" insert "amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030;"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Van Hollebeke moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2990.

POINT OF INQUIRY

Senator Pullen: "Thank you, Mr. President. I was just curious, Senator Van Hollebeke, aren't these other additional items that the House amended on? Haven't we covered those in some of the recent gambling bills that have passed through here?"

Senator Van Hollebeke: "The 1133 that had these two measures on is having a little problem over in the House. It is the one that had several measures on. These were voted in by the House, and I am sure you concur this time."

The motion by Senator Van Hollebeke carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 2990.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2990, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Jones, Keefe, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wojahn, Woody—31.

Voting nay: Senators Benitz, Bluechel, Gould, Guess, Hayner, McDermott, North, Pullen, Ridder, Scott, von Reichbauer, Washington, Wilson—13.

Absent or not voting: Senator Lewis—1.

Excused: Senators Bottiger, Francis, Mardesich—3.

ENGROSSED SENATE BILL NO. 2990, as amended by the House, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1977.

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3093, with the following amendments:

On page 1, line 29, after "information" insert "or requirements"

On page 2, line 1, after "authority" strike "elects" and insert "decides"

On page 2, line 5, after "state." insert "In addition, the authority shall mail said notice to any firm known to the authority which has expressed an interest in constructing ferries for the Washington state ferry system within the previous 10 years."

On page 2, line 20, after "it" strike all the material down to and including "ferry system" on line 22.

On page 3, line 16, after "proposal" insert ", together with an explanation of the requirement that all proposals submitted be accompanied by a deposit in the amount of five percent of the proposed cost"

On page 4, after line 25, insert a new subsection (9) to read as follows:

"(9) Proposals submitted by firms pursuant to this section shall constitute an offer and shall remain open for ninety days. When submitted, each proposal shall be accompanied by a deposit in cash, certificated check, cashier's check, or surety bond in an amount equal to five percent of the amount of the proposed contract price and no proposal shall be considered unless the deposit is enclosed therewith. If the authority awards a contract to a firm pursuant to the procedure set forth in this section and the firm fails to enter into the contract and furnish a satisfactory bond as required by section 3 of this 1977 amendatory act within twenty days, exclusive of the day of the award, his deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a ferry construction contract all proposal deposits shall be returned."

Renumber the remaining subsection accordingly.

On page 5, line 28, after "denied." insert a new paragraph to read as follows:

"Neither the Washington state toll bridge authority nor the department of highways shall accept any bid, or consider any proposal for a negotiated ferry vessel construction contract, from a firm which has not prequalified pursuant to this section."

On page 23, line 19, after "bid or" strike "negotiated" and insert "proposed"

On page 23, after line 22, add a new section to read as follows:

"NEW SECTION, Sec. 9. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to the other persons or circumstances is not affected."

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

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3093.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3093, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; absent or not voting, 5; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Voting nay: Senators Hayner, Scott—2.

Absent or not voting: Senators Benitz, Grant, Lewis, Matson, von Reichbauer—5.

Excused: Senators Bottiger, Francis, Mardesich—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3093, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 26, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2185, with the following amendments:

Beginning on page 1, line 4, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020 are each hereby repealed.

Sec. 2. Section 28A.67.035, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.035 are each amended to read as follows:

Any person teaching in any school in violation of RCW ((28A.67.020 or)) 28A.67.030, and any school director knowingly permitting any person to teach in any school in violation of RCW ((28A.67.020 or)) 28A.67.030, shall be guilty of a misdemeanor."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending section 28A.67.035, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.035; repealing section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020; and prescribing penalties.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate adheres to its position on the House amendments to Engrossed Senate Bill No. 2185, and refuses to concur in the House amendments, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

May 26, 1977.

Mr. President: The House refused to concur in the Senate amendments to HOUSE BILL NO. 503, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate refused to recede from the Senate amendments to House Bill No. 503, and asks the House for a conference thereon.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2421.

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2421, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

May 24, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2421, as amended by the House, authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances, have had the same under consideration, and we report that we cannot agree and request the powers of Free Conference in order to recommend the following:

That the House amendment striking everything after the enacting clause not be adopted, and the following be adopted:

"AN ACT Relating to local government hearing examiners; adding a new section to chapter 35.63 RCW; creating new sections; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 58.17 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 35.63 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide applications for conditional uses, variances, or any other class of applications for or pertaining to land uses which the legislative body believes should be reviewed and decided by a hearing examiner. The legislative body shall prescribe procedures to be followed by the hearing examiner.

Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(1) The decision may be given the effect of a recommendation to the legislative body;

(2) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 2. There is added to chapter 35A.63 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide applications for conditional uses, variances or any other class of applications for or pertaining to land uses which the legislative body believes should be reviewed and decided by a hearing examiner. The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(1) The decision may be given the effect of a recommendation to the legislative body;

(2) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 3. There is added to chapter 36.70 RCW a new section to read as follows:

As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide conditional use applications, variance applications, applications for shoreline permits or any other class of applications for or pertaining to land uses. The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(1) The decision may be given the effect of a recommendation to the legislative authority;

(2) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 4. There is added to chapter 58.17 RCW a new section to read as follows:

As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. The legal effect of such decisions shall include one of the following:

(1) The decision may be given the effect of a recommendation to the legislative body;

(2) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 5. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators Goltz, Sellars and Van Hollebeke; Representatives Eng, Lee and Owen.

MOTION

On motion of Senator Holtz, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

May 26, 1977.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 697, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate refused to recede from its amendments to Substitute House Bill No. 697, and insists on its position, and once again asks the House to concur therewith.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 2268, and the House amendments thereto: Senators Rasmussen, Newschwander and Bausch.

MOTION

On motion of Senator Marsh, the Conference Committee appointments were confirmed.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 2493, and the House proviso thereto: Senators Odegaard, Benitz and Sandison.

MOTION

On motion of Senator Marsh, the Conference Committee appointments were confirmed.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 503 and the Senate amendments thereto: Senators Henry, Guess and Beck.

MOTION

On motion of Senator Marsh, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 26, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2113, with the following amendments:

On page 1, beginning on line 24, after "Washington" strike all material down to and including "by the" on line 25, and insert "who attend in such countries institutions of higher education which are comparable to"

On page 1, line 30, strike "sections 1 and 2" and insert "section 1"

On page 2, line 7, insert a New Section as follows:

"NEW SECTION. Sec. 4. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Washington, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2113.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2113, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Day, Lewis, Talley—3.

Excused: Senators Bottiger, Francis, Mardesich—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2113, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Grant, the appointment of MALACHY SCANLAN as a member of the Public Disclosure Commission was confirmed.

APPOINTMENT OF MALACHY SCANLAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Henry, Lewis—2.

Excused: Senators Bottiger, Francis, Mardesich—3.

MOTION

On motion of Senator Rasmussen, the appointment of LEWIS BELCHER as Director of the Department of Veterans Affairs was confirmed.

APPOINTMENT OF LOUIS BELCHER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Henry, Lewis, Matson, Sellar, Walgren—5.

Excused: Senators Bottiger, Francis, Mardesich—3.

MOTION

On motion of Senator Marsh, the appointment of R. STUART KIRK as a member of the Board of Trustees, Spokane Community College, District No. 17, was confirmed.

APPOINTMENT OF R. STUART KIRK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Hayner, Henry, Lewis, Sandison, Walgren—5.
Excused: Senators Bottiger, Francis, Mardesich—3.

MOTION

On motion of Senator Jones, Senator Lewis was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Marsh, the appointment of MARY LOUISE STOUGH as a member of the Board of Trustees, Centralia Community College, District No. 12, was confirmed.

APPOINTMENT OF MARY LOUISE STOUGH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent or not voting, 6; excused, 4.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Absent or not voting: Senators Benitz, Hayner, Henry, Odegaard, Sandison, Talley—6.

Excused: Senators Bottiger, Francis, Lewis, Mardesich—4.

MOTION

On motion of Senator Sellar, Senator Guess was excused.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Odegaard, the appointment of STANLEY C. GILLES as a member of the Board of Trustees, Grays Harbor Community College, District No. 2, was confirmed.

APPOINTMENT OF STANLEY C. GILLES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent or not voting, 6; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Murray, North, Odegaard, Peterson, Pullen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—37.

Absent or not voting: Senators Henry, Morrison, Newschwander, Rasmussen, Sandison, Talley—6.

Excused: Senators Bottiger, Francis, Guess, Lewis, Mardesich—5.

MOTION

On motion of Senator Odegaard, the appointment of ANDREW P. KELLY as a member of the Board of Trustees, Eastern Washington State College, was confirmed.

APPOINTMENT OF ANDREW P. KELLY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senators Henry, Morrison, Sandison, Talley—4.

Excused: Senators Bottiger, Francis, Guess, Lewis, Mardesich—5.

MOTION

On motion of Senator Day, the appointment of GEORGE JOHNSON as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF GEORGE JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Newschwander, Sandison, Talley, Walgren—4.

Excused: Senators Bottiger, Francis, Lewis, Mardesich—4.

MOTION

On motion of Senator Odegaard, Senator Talley was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Odegaard, the appointment of REVEREND SAMUEL B. McKINNEY as a member of the Commission for Vocational Education was confirmed.

APPOINTMENT OF REVEREND SAMUEL B. MCKINNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Absent or not voting: Senators Henry, Rasmussen—2.

Excused: Senators Bottiger, Francis, Lewis, Mardesich, Talley—5.

POINT OF ORDER

Senator Clarke: "Thank you, Mr. President, a point of order. This appointment, number 100 and 102, 104, 105 fall within the category where in our opinion the purported vacancies were illegally created, and I would ask for the usual agreement with the consent of the Senate, that the entire record previously made with the respect to this point be made applicable to those particular appointments."

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, in accordance with our agreement that we have entered into on this point of order that has been raised before, I would agree that the record that has been presented would be a part of the argument today."

REMARKS BY SENATOR CLARKE

Senator Clarke: "In that connection, and for the benefit of the gallery, I just want to state that any 'no' votes that may be cast on our side are not meant in any way to infer that we feel that the appointees are incompetent or in any way inappropriate."

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Odegaard, the appointment of ED ELLIS as a member of the Board of Trustees, Yakima Valley Community College, District No. 16, was confirmed.

APPOINTMENT OF ED ELLIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 26; nays, 14; absent or not voting, 3; excused, 5.

Voting yea: Senators Bausch, Beck, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn, Woody—26.

Voting nay: Senators Bluechel, Clarke, Gould, Guess, Hayner, Jones, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—14.

Absent or not voting: Senators Benitz, Matson, Walgren—3.

Excused: Senators Bottiger, Francis, Lewis, Mardesich, Talley—5.

MOTION

On motion of Senator Odegaard, the appointment of SHIRLEY DOLORES BARRETT COBB as a member of the Board of Trustees, Skagit Valley Community College, District No. 4, was confirmed.

APPOINTMENT OF SHIRLEY DOLORES BARRETT COBB

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 27; nays, 15; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Bullington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—27.

Voting nay: Senators Bluechel, Clarke, Gould, Guess, Hayner, Jones, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—15.

Absent or not voting: Senator Benitz—1.

Excused: Senators Bottiger, Francis, Lewis, Mardesich, Talley—5.

MOTION

On motion of Senator Odegaard, the appointment of ELAINE Y. ZAKARISON as a member of the Board of Trustees, Spokane Community College, District No. 17, was confirmed.

APPOINTMENT OF ELAINE Y. ZAKARISON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 27; nays, 12; absent or not voting, 4; excused, 5.

Voting yea: Senators Bausch, Beck, Bullington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—27.

Voting nay: Senators Bluechel, Clarke, Gould, Hayner, Jones, Matson, Morrison, Murray, Newschwander, Pullen, Scott, Wanamaker—12.

Absent or not voting: Senators Benitz, Guess, North, Sellar—4.

Excused: Senators Bottiger, Francis, Lewis, Mardesich, Talley—5.

MOTION

On motion of Senator Odegaard, the appointment of ROBERT H. HEGAMIN as a member of the State Board of Community College Education, was confirmed.

APPOINTMENT OF ROBERT H. HEGAMIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 28; nays, 14; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Bullington, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Guess, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn, Woody—28.

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

Absent or not voting: Senator Benitz—1.

Excused: Senators Bottiger, Francis, Lewis, Mardesich, Talley—5.

RESIGNATION OF SENATOR JOHN E. (JACK) CUNNINGHAM

Mr. Sid Snyder, Secretary
Washington State Senate
Olympia, WA 98504

Dear Secretary Snyder:

This is to formally tender my resignation from the Washington State Senate, effective upon the certification of the results of the election for the Seventh Congressional District of Washington, held May 17, 1977.

The friendships formed during the five years I had the pleasure and opportunity of serving as a member of the Washington State Legislature will remain with me always.

I sincerely trust that I will have the opportunity to continue working with all members of the Washington State Legislature for the betterment of all persons.

Cordially,
JACK CUNNINGHAM
Member of Congress

Received May 27, 1977.

MOTION

At 4:15 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Saturday, May 28, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTY-NINTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Saturday, May 28, 1977.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Donohue, Hayner, Herr, Lewis and Woody. On motion of Senator Jones, Senators Benitz, Hayner and Lewis were excused. On motion of Senator Odegaard, Senators Donohue and Woody were excused.

The Color Guard, consisting of Pages Patricia Oliver and Volney Spalding, presented the Colors. Reverend David Kratz, pastor of United Churches of Christ of Olympia, offered the following prayer:

"ALMIGHTY GOD, LORD OF THE TRANSITORY AND THE ETERNAL, WE COME IN HUMILITY THIS MORNING FOR WE KNOW THAT THE SCOPE OF YOUR FAITHFULNESS AND TRUTH FAR EXCEEDS THE GRASP OF OUR CONSCIOUS KNOWLEDGE. WE ARE MERE BEGGARS AT THE ABUNDANT FEAST OF LIFE WITH COCKINESS OR BUFFOONERY OR DESPERATION WE STRIVE FOR SOME CRUMBS THAT WILL SATISFY US. BUT SOMEWHERE DEEP WITHIN US, BENEATH THE APPEARANCES, BENEATH THE BUSYNESS, BENEATH OUR ROUTINE AWARENESS, WE SENSE THAT LIFE IS MORE THAN WE KNOW, OUR DESTINY IS MORE THAN WE CAN IMAGINE. ESPECIALLY, O GOD, ON THIS MEMORIAL DAY WEEKEND AS WE REMEMBER THE RICH HERITAGE OF TRUTH WHICH HAS COME TO US FROM THOSE WHO HAVE LIVED AND DIED THAT WE MIGHT LIVE, WE ARE HUMBLY GRATEFUL FOR WE KNOW THAT SO MUCH OF WHO WE ARE, SO MUCH OF WHAT WE VALUE AND DO IS NOT OUR OWN BUT GIVEN TO US BY THE SUFFERING AND EFFORT OF SO MANY BEFORE US. BUT WE REMEMBER ALSO THAT WE HAVE FORGOTTEN SO MUCH AND WE KNOW TOO THAT SO MUCH WHAT WE ARE IN OUR INNERMOST BEINGS WILL BE FORGOTTEN BY THOSE WHO FOLLOW US.

"SO WE PAUSE THIS DAY AS TEMPORARY HUMAN CREATURES, WHO LONG FOR AN ACCEPTANCE AND A VALIDATION THAT NO HUMAN CAN GIVE, WE PAUSE SIMPLY TO ASK THAT YOU WHO CREATED US, WILL ALSO REMEMBER AND IN REMEMBERING, ACCEPT US, AND IN ACCEPTING, YOU WILL DISCERN THE VALUE AND MEANING IN WHO WE ARE AND WHAT WE DO. TO YOU BE THE GLORY FOREVER AND EVER. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

May 25, 1977.

SUBSTITUTE HOUSE BILL NO. 480, providing program of bilingual instruction in the common schools and state aid therefor (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Grant, Marsh, Matson, Morrison, Murray, Rasmussen, Ridder, Walgren, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

Office of the Governor, May 26, 1977.

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

LADIES AND GENTLEMEN:

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

S. L. Chase, appointed May 17, 1977, for a term ending April 3, 1980, succeeding Dr. James Otto as a member of the State Board for Community College Education.

Sincerely,
DIXY LEE RAY
Governor.

Referred to Committee on Higher Education.

MESSAGES FROM THE HOUSE

May 27, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 470, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 150, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 559, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 798, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The House has passed SECOND SUBSTITUTE HOUSE BILL NO. 1306, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The House has passed:
 SECOND SUBSTITUTE HOUSE BILL NO. 1321,
 SECOND SUBSTITUTE HOUSE BILL NO. 1322, and the same are here-
 with transmitted.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO.
 2858, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The Speaker has signed:
 HOUSE BILL NO. 389,
 SUBSTITUTE HOUSE BILL NO. 472,
 HOUSE BILL NO. 618,
 SUBSTITUTE HOUSE BILL NO. 662, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2061,
 SUBSTITUTE SENATE BILL NO. 2082,
 SUBSTITUTE SENATE BILL NO. 2107,
 SENATE BILL NO. 2156,
 SUBSTITUTE SENATE BILL NO. 2383,
 SENATE BILL NO. 2426, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 27, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 228,
 HOUSE BILL NO. 583,
 HOUSE BILL NO. 617,
 SUBSTITUTE HOUSE BILL NO. 678,
 HOUSE BILL NO. 779, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 1306, by Committee on Appro-
 priations (originally sponsored by Representatives King, Sommers, Haley, Charnley,
 Blair, Clemente, Warnke, Shinpoch and Thompson):

Establishing a schedule of salary increases for legislators.

Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 1321, by Committee on Appro-
 priations (originally sponsored by Representatives Ehlers, Sommers, Taller, Smith
 and Charnley):

Establishing a schedule of salary increases for the executive branch officers.

Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 1322, by Committee on Appropriations (originally sponsored by Representatives Ehlers, Sommers, Taller, Erickson and Smith):

Establishing a schedule of salary increases for the judicial branch.
Referred to Committee on Ways and Means.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2113,
SUBSTITUTE SENATE BILL NO. 2197,
SENATE BILL NO. 2199,
SUBSTITUTE SENATE BILL NO. 2210,
SUBSTITUTE SENATE BILL NO. 2858,
SENATE BILL NO. 2990,
SUBSTITUTE SENATE BILL NO. 3093.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 228,
HOUSE BILL NO. 389,
SUBSTITUTE HOUSE BILL NO. 472,
HOUSE BILL NO. 583,
HOUSE BILL NO. 617,
HOUSE BILL NO. 618,
SUBSTITUTE HOUSE BILL NO. 662,
SUBSTITUTE HOUSE BILL NO. 678,
HOUSE BILL NO. 779.

MOTION

At 9:10 a.m., on motion of Senator Marsh, the Senate recessed until 11:25 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:25 a.m.

MOTION

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

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2873, with the following amendments:

On page 1, line 25, beginning with "chapter" strike all material down to and including "other" on line 26 and insert "~~((chapter 42.21 RCW, as now or hereafter amended, or of))~~ any ~~((other))~~"

On page 4, line 10, after "The" strike "boards jointly" and insert "~~((boards jointly))~~ joint board"

On page 6, line 22, after "house" strike "of representatives"

On page 7, line 33, after "board" insert ", at least half of whom shall be lay members,"

On page 8, line 14, beginning with "the following" strike all material down to and including "disqualified" on line 21 and insert "any case: (i) involving persons whom such members cannot judge impartially, in which cases they shall disqualify themselves; or (ii) where the person charged files an affidavit of prejudice against a member or members whom he believes is unable to make an impartial judgment, in which case the disqualification shall be automatic: PROVIDED, That only one such affidavit may be filed in a single investigation", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Goltz moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2873.

Debate ensued.

MOTION

On motion of Senator Clarke, the House Message on Engrossed Substitute Senate Bill No. 2873, together with the motion by Senator Goltz that the Senate do concur in the House amendments, was ordered held for later today.

MOTION

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 122, by Senators Walgren, Sandison, Matson and Newschwander:

Amending Senate Concurrent Resolution No. 113.

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

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 122 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 340.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 340, by Committee on Financial Institutions (originally sponsored by Representatives Polk and O'Brien):

Exempting securities issued by nonprofit recognized religious denominations from state securities regulation laws.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Engrossed Substitute House Bill No. 340 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Clarke yield to a question? Senator Clarke, as you well know, there are numerous charitable non-profit groups, pseudo religious organizations. What protection is there in this? As I read the digest, it says they may sell it to contributors, participants, or relatives of the members, contributors, participants and so forth. It is a pretty wide open deal, and how would any one of these people recognize this as a reputable organization that would possibly be—if they are selling these bonds or notes or anything that they would be able to pay it back?"

Senator Clarke: "Senator, I think in substance, that you have to rely upon the supervisor in the director of licenses, because if you will note, the organization is to pay a fifty dollar filing fee to obtain the exemptions. The supervisor of securities is authorized to deny, revoke or condition any exemptions. So, the feeling in the committee was that the supervisor could, in effect, screen out the sheep from the goats and protect the public against those that were in the fly-by-night capacity that you are talking to, and yet there are some very substantial and worthwhile organizations that should not be required, in effect, to go through all of the red tape for general security sales."

Senator Rasmussen: "The supervisor then retains the right to deny?"

Senator Clarke: "That is my understanding. I can't refer you at this instance to the specific provision of the bill, but the supervisor before the committee felt that he had ample authority to properly police the situation."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 340, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 5.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Marsh, Matson, Moñohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators Mardesich, McDermott, Peterson, Sandison—4.

Excused: Senators Benitz, Donohue, Hayner, Lewis, Woody—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 46, by Representatives Clemente, Lux and Fischer:
Authorizing adjustments of workmen's compensation payments.

REPORT OF STANDING COMMITTEE

March 14, 1977.

HOUSE BILL NO. 46, authorizing adjustments of workmen's compensation payments (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 10, after "payable" strike "in the fiscal year ending June 30, ((+1975)) 1977" and insert "~~((in the fiscal year ending June 30, 1975))~~ on the effective date of this act"

On page 2, line 23, after "payable" strike "in the fiscal year ending June 30, 1977." and insert "on the effective date of this act."

On page 2, line 35, after "year" strike all the matter down to and including "1977" on page 3, line 11.

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Peterson.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendments were adopted.

Senator Mardesich moved the following amendments by Senators Mardesich and Morrison be considered and adopted simultaneously:

On page 2, line 10, after "1977" strike all the matter down through "adjustment" on line 15.

On page 2, line 23, after "1977." strike all the matter down through "made." on page 3, line 4.

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Morrison yield? Senator Morrison, how is the social security offset handled now in reference to workmen's compensation benefits? If we increase the benefits, will they just be subtracted in the end in their checks because of the social security offset, or do you know?"

Senator Morrison: "The amounts of social security are deducted as the first deduction from this, so if we escalate these amounts the total increase should end up being reflected to the individual pensioner, so these increases will go to the individuals for whom we intend them."

Senator Bottiger demanded a roll call and the demand was sustained by Senators Walgren, Francis, Grant, Fleming, Ridder, Matson, Talley, Monohon and Bausch.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 24; nays, 17; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Bluechel, Buffington, Clarke, Day, Gould, Guess, Henry, Herr, Jones, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Scott, Sellar, Talley, Wanamaker, Wilson—24.

Voting nay: Senators Beck, Bottiger, Fleming, Francis, Gaspard, Goltz, Grant, Keefe, McDermott, Monohon, Odegaard, Rasmussen, Ridder, Van Hollebeke, von Reichbauer, Walgren, Washington—17.

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

Excused: Senators Benitz, Donohue, Hayner, Lewis, Woody—5.

On motion of Senator Ridder, the rules were suspended, House Bill No. 46, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 46, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott,

Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senator Grant—1.

Absent or not voting: Senator Sandison—1.

Excused: Senators Benitz, Donohue, Hayner, Lewis, Woody—5.

HOUSE BILL NO. 46, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 49, by Representatives Clemente, Lux, King, Gruger and Knedlik:

Changing the term "workman" to "worker" throughout the state industrial insurance laws.

The bill was read the second time by sections.

Senator Keefe moved adoption of the following amendment by Senators Keefe and Morrison:

On page 12, line 20, after "employment" insert:

" : PROVIDED, HOWEVER, That a jockey while participating in or preparing horses for race meets licensed by the Washington Horse Racing Commission pursuant to Chapter 67.16 RCW shall not be considered a worker for the purposes of Title 51 RCW"

POINT OF ORDER

Senator Grant: "Mr. President, I believe the amendment does change the scope and object of the bill. The bill is a very simple bill, it only changes references from 'workman' to 'worker', and changes the sexual references throughout the bill.

"Although the amendment by Senator Keefe and Senator Morrison may be a very worthwhile amendment, it is a provision that is entirely different with regard to exempting from coverage a certain class of employees, and they may well be worthy of that exemption, but I should think that the matter should be considered by the labor committee through the committee process during this session rather than being offered as a floor amendment to a very simple measure."

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, only to add to your deliberations between now and Tuesday, the measure before us is sixty-six pages long. It covers the full RCW 51. All of the industrial insurance laws are open before us. They are amendments specifically to the section in which this particular amendment deals. I think it is an opportunity for members of the Senate to take a look at any of those RCW provisions, so therefore I would hope that the body would have the opportunity to perfect these laws at this time."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, following Senator Morrison's argument then, over the long weekend, we can all start preparing exemptions for legal secretaries and everything else that we would like to exempt, and I think that argument clearly points out that this amendment increases the scope and object of the bill."

MOTION

On motion of Senator Marsh, House Bill No. 49, together with the pending amendment by Senators Keefe and Morrison and the Point of Order raised by Senator Grant, was ordered held on the second reading calendar for May 31, 1977.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Joint Resolution No. 7.

SECOND READING

HOUSE JOINT RESOLUTION NO. 7, by Representatives King, Fortson, Charnley, Grier, Hughes, Knowles, Lee, Lux and McCormick:

Permitting constitutional amendments to include several sections within a single article, or several sections relating to one subject.

REPORT OF STANDING COMMITTEE

March 3, 1977.

HOUSE JOINT RESOLUTION NO. 7, permitting constitutional amendments to contain several sections on one subject (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25, after "amendment" insert "embracing one subject"

On page 2, line 1, after "matters" insert "directly related and"

Signed by: Senators Grant, Chairman; Gaspard, Hayner, Lewis, von Reichbauer, Wojahn.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 1, line 9, after "proposed" strike "in" and insert "((m)) by the people
or"

Debate ensued.

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

On motion of Senator Grant, the rules were suspended, House Joint Resolution No. 7, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 7, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 35; nays, 8; excused, 5.

Voting yea: Senators Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—35.

Voting nay: Senators Bausch, Beck, Gould, Guess, Peterson, Pullen, Rasmussen, Wilson—8.

Excused: Senators Benitz, Donohue, Hayner, Lewis, Woody—5.

HOUSE JOINT RESOLUTION NO. 7, as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

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

REPORT OF STANDING COMMITTEE

May 28, 1977.

SENATE BILL NO. 3105, relating to state government (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3105 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

MOTION

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 3105 was advanced to second reading and placed on the second reading calendar for today.

MOTION

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

MOTION

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

SENATE RESOLUTION 1977-42

By Senators Day and Guess:

WHEREAS, Joseph M. Smith of Spokane, Washington, is nationally recognized for his support of political candidates and issues; and

WHEREAS, His support has been given unselfishly and ranges from the Presidency to the grass roots level; and

WHEREAS, Joseph M. Smith, although never an elected official, has made outstanding contributions to our political system as a private citizen; and

WHEREAS, In his home town of Spokane, Joseph M. Smith has a record of civic achievement equaled by few, as exemplified by his work for schools, the YWCA, and a leading part in bringing EXPO '74 to the Northwest; and

WHEREAS, His work in the political field emphasizes and encourages participation by the private citizen in our form of government;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that its appreciation be extended to Joseph M. Smith, for his long and honorable service as a private citizen to the citizens of the State of Washington and that best wishes for success and well being go with him for a continued active future; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be instructed to present a suitably inscribed copy of this resolution to Joseph M. Smith.

REMARKS BY SENATOR DAY

Senator Day: "Mr. President and ladies and gentlemen of the Senate, Joseph M. Smith is well known in Spokane for his civic endeavors relative to Expo 74, YWCA and a lot of other things including active political participation on a high level.

"This man has recently had some very serious eye situations. He has had some laser treatments. He is losing his vision, and I would like to pass this resolution to show him our appreciation so that he can read it for himself."

MOTION

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

SENATE RESOLUTION 1977-49

By John A. Cherberg, President of the Senate; and Senators Woody, Day, Buffington, Sellar, Mardesich, Sandison, Goltz and Murray:

WHEREAS, The Department of the Army has announced plans to reduce the number of Army Reserve Civil Affairs Brigades nationally from ten to six, and one of the units scheduled to be disbanded is the 365th Civil Affairs Brigade of Washington State with the result that the nearest such unit would then be stationed in Portland, Oregon; and

WHEREAS, Fort Lawton is the home base of the 365th Civil Affairs Brigade, which includes among its 133 members, reservists from Eastern as well as Western Washington areas with a supporting Civil Affairs Company located in Bellingham and a detachment in Wenatchee; and

WHEREAS, The 365th Civil Affairs Brigade was the first such unit in the United States to conduct a local government emergency resource survey, which was done for the purpose of aiding Cowlitz, King and Pierce counties with planning for disaster relief; and

WHEREAS, The geographical location of the 365th Civil Affairs Brigade facilitates close coordination with the military installations of Fort Lewis and McChord Air Force Base thus permitting the unit to fulfill its mission of providing direct and constant support to both civil and military elements in the event of disaster; and

WHEREAS, The 365th Civil Affairs Brigade has consistently displayed the high quality of its expertise, dedication and exceptional performance as reflected in annual general and logistics evaluations and by earning the Army Reserve "Superior Unit" award for sixteen of the last seventeen years; and

WHEREAS, An additional \$400,000 per year is added to the disposable income of the state's economy from the personnel assigned to the 365th Civil Affairs Brigade;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate respectfully petitions the Washington State members of Congress to request from the Department of Defense and the Department of the Army a full response concerning the reasons and justifications for reduction in Reserve Civil Affairs activities, and particularly the specifics of the decision to disband the 365th Civil Affairs Brigade; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall cause copies of this Resolution to be transmitted immediately to the Washington State members of Congress, the Department of Defense and the Department of the Army.

MOTION

On motion of Senator Walgren, the motion for reconsideration by Senator McDermott of the failure of Substitute House Bill No. 1277, as amended by the Senate, to pass the Senate on May 27, 1977, was ordered held for May 31, 1977.

MOTIONS

On motion of Senator Walgren, there being no objection, Senator Bottiger was replaced by Senator Francis on the Conference Committee on Substitute House Bill No. 183.

On motion of Senator Walgren, there being no objection, Senator Fleming was replaced by Senator Francis on the Conference Committee on Engrossed Substitute House Bill No. 353.

On motion of Senator Walgren, the conferees were confirmed.

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

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3105.

SECOND READING

SENATE BILL NO. 3105, by Senator Rasmussen:

Relating to state government.

Earlier today, the rules were suspended and Senate Bill No. 3105 was advanced to second reading.

On motion of Senator Rasmussen, Substitute Senate Bill No. 3105 was substituted for Senate Bill No. 3105, and the substitute bill was read the second time in full.

Senator Rasmussen moved adoption of the following amendment by Senators Clarke, Rasmussen and Day:

On page 1, line 19, insert the following:

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

POINT OF INQUIRY

Senator Day: "Would Senator Rasmussen yield to a question? Senator Rasmussen, before we take this off second reading, shouldn't we attach an emergency clause thereto?"

(No reply.)

MOTION

On motion of Senator Odegaard, Senator Herr was excused.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Rasmussen yield? Senator Rasmussen, I am looking at the proposed Substitute Senate Bill 3105, and specifically to lines 11 through 14. That says, 'It shall be unlawful to communicate or repeat any information concerning such a threatened bombing or injury knowing such information to be false and was intended to alarm the person or persons to whom the information is communicated or repeated.' I know what that is intended to do. That is intended to prevent someone going around repeating what they heard or passing such rumors around. However, although it is not mandatory now, wouldn't that language prevent someone from informing the authorities of such—and I am just wondering whether that technically couldn't even prevent someone from reporting to the authorities, and as happens, where if they don't happen to like the way you part your hair, they might just decide—you know. They have done it. Someone is protecting his own

property, the criminal gets let off and they put the man who was protecting his own property in jail."

Senator Rasmussen: "Senator Mardesich, to answer your question, the person knowing such information to be false, if I was to come up to you and say, and I didn't want you to vote on a bill on the floor, and I would tell you that there is a bomb—somebody has told me there is a bomb under your desk, that of course, would be with intent to alarm you and frighten you off. But if the person would say that to the state patrol, 'so and so told me that there is a bomb there,' that would just be imparting information to the proper officials. This is old law. I don't think there is any problem there. I think the main problem is concerned with the fact that it is just a misdemeanor now, and it would make it a felony, bring it to the attention of the people that are inclined to do that.

"We didn't change the old law, and the request from the state patrol was that it be made a felony. There has been a terrific rash of bomb threats."

Senator Mardesich: "All I am wondering is, perhaps on line 11, after 'repeat' we couldn't insert just to clarify that, 'other than to law enforcement officials.'"

Senator Rasmussen: "I don't see—"

Senator Mardesich: "I may be stretching a point quite finely, but—"

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

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

On page 1, line 10, after "carrier," insert "or" and after "structure₂ or" insert "any"

On motion of Senator Clarke, the following amendment to the title by Senators Clarke, Rasmussen and Day was adopted:

On page 1, line 3 of the title, before "prescribing" strike "and" and after "penalties" and before the period insert "; and declaring an emergency"

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 3105 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3105, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting: Senators Fleming, North, Peterson—3.

Excused: Senators Benitz, Donohue, Hayner, Herr, Lewis, Woody—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jones, Senator North was excused.

President Pro Tempore Henry assumed the Chair.

On motion of Senator Walgren, the Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 2873, and the House amendments thereto, and the motion by Senator Goltz that the Senate concur in the House amendments.

MOTION

The motion carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2873.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2873, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Absent or not voting: Senator Peterson—1.

Excused: Senators Benitz, Donohue, Hayner, Herr, Lewis, North, Woody—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2873, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2877, with the following amendments:

- On page 4, line 36, strike "the" and insert "that contributor's"
- On page 5, line 2, strike "the" and insert "that candidate's election"
- On page 5, line 17, strike "with the department of motor vehicles"
- On page 5, line 23, after "future" insert "election"
- On page 5, line 25, after "nonreimbursed" insert "public"
- On page 5, line 26, strike "reported" and insert "report any such disposition"
- On page 7, line 5, after "permissible" insert "public"
- On page 7, line 5, strike "shall" and insert "may only"
- On page 7, line 7, strike "the" and insert "that contributor's"
- On page 7, beginning on line 9, strike "with the department of motor vehicles"
- On page 7, line 15, strike "Campaign contributions" and insert "Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090"
- On page 7, line 28, after "out-of-pocket" insert "election"
- On page 7, line 29, strike "postcampaign" and insert "postelection campaign"
- On page 7, beginning on line 29, after "candidate." strike "In order for the candidate to" and insert "To"
- On page 7, line 31, strike "he must" and insert "the candidate shall"
- On page 7, line 36, strike "provided such repayment is" and insert ", which repayment shall be"
- On page 8, beginning on line 2, strike all of section 7, and renumber the remaining section consecutively., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Goltz moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2877.

Debate ensued.

Senator Grant demanded a roll call and the demand was sustained by Senators Ridder, Wilson, Francis, Washington, Talley, Wojahn, Bottiger, Buffington, Pullen and Gould.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Goltz that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2877.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 19; nays, 21; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, McDermott, Monohon, Odegaard, Ridder, von Reichbauer, Walgren, Washington, Wilson, Wojahn—19.

Voting nay: Senators Bluechel, Buffington, Clarke, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Wanamaker—21.

Absent or not voting: Senator Peterson—1.

Excused: Senators Benitz, Donohue, Hayner, Herr, Lewis, North, Woody—7.

MOTION

Senator Rasmussen moved the Senate refuse to concur and ask the House to recede from the House amendments to Engrossed Substitute Senate Bill No. 2877.

MOTION

Senator Mardesich moved the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 2877, and asks the House for a conference thereon.

POINT OF ORDER

Senator Clarke: "Point of order. My understanding is that in a vote of this kind, the negative vote automatically carries the other motion so that, in substance, as the Chair has announced, the effect of the rejection of the vote to concur automatically was a vote not to concur."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "That is correct. It asks them to recede therefrom. However, another motion is in order, if Senator Mardesich wishes to place that motion that we do not concur and request a conference thereon."

MOTION

On motion of Senator Bottiger, the motion by Senator Mardesich was amended and the Senate concurred in the House amendments on Engrossed Substitute Senate Bill No. 2877, except the House amendment to page 8, line 2, and asks the House for a conference thereon.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Parliamentary inquiry. We could vote to adopt all of these and ask the House to recede from that amendment, could we not?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "We could, but that was not the motion, Senator Rasmussen. The motion as passed asks for a conference thereon."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "For the record, Mr. President, I think the record should show that the reference to the seventeenth amendment is to section 7 of the bill. There is no other reference to amendment seventeen."

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3036, with the following amendments:

On page 1, line 6, after the enacting clause, insert a new section to read as follows:

"SECTION 1, Sec. 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011 are each amended to read as follows:

"Public place" as defined in this title shall not include (a) Any of those parks under the control of the state parks and recreation commission, nor (b) parks and picnic areas adjacent to and held by the same ownership as licensed brewers and domestic wineries for the consumption of beer and wine produced by the respective brewery or winery, as prescribed by regulation adopted by the board pursuant to chapter 34.04 RCW."

On page 2, strike lines 2 through 6 and insert:

"PROVIDED FURTHER, That nothing in this section shall prohibit a licensed brewer or domestic winery, or a lessee of a licensed brewer or domestic winery, from being licensed as a class H restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a class H premises on the property on which the primary manufacturing facility of the licensed brewer or domestic winery is located or on contiguous property owned by the licensed brewer or domestic winery as prescribed by regulations adopted by the board pursuant to chapter 34.04 RCW.

On page 3, after section 2, add a new section as follows:

"Sec. 3. Section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the

board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED, FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community."

On page 1, line 1 of the title, after "control;" insert the following:

"amending section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011;"

On page 1, line 4 of the title, after "66.28.010;" strike "and" and after "66.44-.310" on line 5, insert "; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Van Hollebeke, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3036.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3036, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 4; absent or not voting, 3; excused, 7.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Francis, Gaspard, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—34.

Voting nay: Senators Goltz, Gould, Pullen, Wojahn—4.

Absent or not voting: Senators Day, Fleming, Peterson—3.

Excused: Senators Benitz, Donohue, Hayner, Herr, Lewis, North, Woody—7.

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

MESSAGE FROM THE HOUSE

May 26, 1977.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Van Hollebeke, the Senate refused to recede from its amendments to Engrossed Substitute House Bill No. 446, and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

President Pro Tempore Henry appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 446, and the Senate amendments thereto: Senators Van Hollebeke, Morrison and Bottiger.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1133, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Van Hollebeke, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 1133, and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

President Pro Tempore Henry appointed as members of the Conference Committee on Engrossed House Bill No. 1133, and the Senate amendments thereto: Senators Van Hollebeke, Morrison and Bausch.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 1:22 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, May 31, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 31, 1977.

The Senate was called to order at 10:00 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Day, Fleming, Herr, McDermott, Morrison, North, Rasmussen, Ridder, Scott, Talley, Walgren and Woody. On motion of Senator Odegaard, Senators Fleming, Herr, McDermott, Ridder and Woody were excused.

The Color Guard, consisting of Pages Kelley Gage and Richard Jefferson, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"WITH ALL THE RAIN OVER THIS MEMORIAL DAY WEEKEND, AND THE DISAPPOINTMENT SO MANY OF US FELT OVER THE FAIRLY STEADY DRIZZLE, I WANT THIS MORNING TO SHARE A LITTLE PRAYER BY THE AMERICAN POET, WILLIAM L. STIDGER, WHO LIKENS THE RAIN TO SOMETHING BEAUTIFUL. HIS POEM GOES LIKE THIS:

I SAW GOD WASH THE WORLD LAST NIGHT
WITH HIS SWEET SHOWERS ON HIGH;
AND THEN WHEN MORNING CAME
I SAW HIM HANG IT OUT TO DRY.

HE WASHED EACH SLENDER BLADE OF GRASS,
AND EVERY TREMBLING TREE;
HE FLUNG HIS SHOWERS AGAINST THE HILLS,
AND SWEEPED THE ROLLING SEA.

THE WHITE ROSE WAS A DEEPER WHITE;
THE RED, A RICHER RED
SINCE GOD WASHED EVERY FRAGRANT FACE
AND PUT THEM ALL TO BED.

THERE'S NOT A BIRD, THERE'S NOT A BEE
THAT WINGS ALONG THE WAY,
BUT 'TIS A CLEANER BIRD AND BEE
THAN IT WAS YESTERDAY.

I SAW GOD WASH THE WORLD LAST NIGHT;
AH, WOULD HE HAD WASHED ME
AS CLEAN OF ALL MY DUST AND DIRT
AS THAT OLD WHITE BIRCH TREE.

"LET US PRAY: OUR FATHER, THANK YOU FOR THE CLEAN START OF THIS NEW DAY. MAY THE ACTIONS OF THIS DAY BE, FOR EACH OF US, HIGHLY PRODUCTIVE, JUST AND LOVING. IN THE MASTER'S NAME. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 28, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 28, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2196: Increasing civil courts filing fees.

SECOND SUBSTITUTE SENATE BILL NO. 2104: Authorizing salmon license limitations.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

May 28, 1977.

Mr. President: The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 2113,
SUBSTITUTE SENATE BILL NO. 2197,
SENATE BILL NO. 2199,
SUBSTITUTE SENATE BILL NO. 2210,
SUBSTITUTE SENATE BILL NO. 2858,
SENATE BILL NO. 2990,
SUBSTITUTE SENATE BILL NO. 3093, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 28, 1977.

Mr. President: The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 2132,
SENATE BILL NO. 2159,
SENATE BILL NO. 2202,
SUBSTITUTE SENATE BILL NO. 2811,
SENATE BILL NO. 3002, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

May 28, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2512, with the following amendments:

On page 1, line 5, after "Section 1." strike the remainder of the bill and insert "There is added to chapter 43.82 RCW a new section to read as follows:

Before the director of the department of general administration shall purchase, lease, or rent any real estate, improved or unimproved, for any offices, warehouses or similar purposes as may be required within a defined geographic area by any state official, department, commission, institution or other state agency, the director shall request that, within thirty days, the state conservator identify in writing any existing buildings or structures within such geographic area that are designated or eligible for designation on the state or national registers of historic places as historic, architectural, or cultural landmarks and that would be suitable, whether or not in need of repair or alteration, for use therefor. The director shall give preference to the purchase, lease, or rent of such historic, architectural, or cultural landmarks, or portion thereof, which meet the specifications needed for the particular state purpose unless

use of such space would not be feasible and prudent compared with available alternatives. Whenever the director shall purchase, lease, or rent a building or structure, or portion thereof, other than buildings or structures identified by the conservator as historic, architectural, or cultural landmarks suitable for state use, the director shall notify the conservator in writing of the economic and other justifications for not purchasing, leasing, or renting such buildings or structures or portions thereof. Nothing in this section shall preclude the director from purchasing, leasing, or renting any improved or unimproved real estate which the director deems suitable for state use. "State conservator" for the purposes of this section is the state official or agency responsible for the historic preservation program of the state of Washington."

On page 1, line 2 of the title, after "RCW" strike all the material down through "section" on line 3, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2512.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2512, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 1; absent or not voting, 11; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, Monohon, Murray, Newschwander, Odegaard, Peterson, Sandison, Sellar, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn—31.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Bottiger, Day, Francis, Keefe, Morrison, North, Rasmussen, Scott, Talley, Walgren, Wanamaker—11.

Excused: Senators Fleming, Herr, McDermott, Ridder, Woody—5.

ENGROSSED SENATE BILL NO. 2512, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Jones, Senators North and Scott were excused.

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

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2232.

SECOND READING

SENATE BILL NO. 2232, by Senators Mardesich, von Reichbauer, Grant, Murray, Herr, Matson, Day, Odegaard, Fleming and Hayner:

Providing for educational clinics and authorizing state aid for students enrolled therein.

MOTIONS

On motion of Senator Mardesich, Second Substitute Senate Bill No. 2232 was substituted for Senate Bill No. 2232, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Second Substitute Senate Bill No. 2232 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Mardesich yield to a question, please? Senator Mardesich, section 2 on page 2 reads that only eligible common school dropouts shall be entitled to enter. Then it further states that no person shall be considered a common school dropout if they have completed high school past their eighteenth birthday, and or until three months after they have dropped out, but it says, 'unless such clinic has been requested to admit such person by written communication of board of directors or the superintendent of that common school,' and then further, 'unless someone is unable to attend a particular common school because of disciplinary reasons,' and so forth. I am not so sure I am against this, but I want to find out really what the bill does and how far the door is open.

"That seems to say that if the school district directors or superintendent requests, anybody could be admitted to the school. Is that the way you read it?"

Senator Mardesich: "Well, except that could be interpreted that way except that I wouldn't see any reason why the school district would be asking for a person's admission to this type of a school if he didn't fit the classification of one who would ordinarily be attending school, high school, or junior high school."

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2232, and the bill passed the Senate by the following vote: Yeas, 34; nays, 4; absent or not voting, 3; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Francis, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Odégaard, Peterson, Pullen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—34.

Voting nay: Senators Gould, Newschwander, Rasmussen, Walgren—4.

Absent or not voting: Senators Bottiger, Day, Gaspard—3.

Excused: Senators Fleming, Herr, McDermott, North, Ridder, Scott, Woody—7.

SECOND SUBSTITUTE SENATE BILL NO. 2232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 113.

On motion of Senator Jones, Senator Pullen was excused.

On motion of Senator Marsh, Senators Bottiger and Day were excused.

SECOND READING

HOUSE BILL NO. 113, by Representatives Warnke, King, Paris, Valle, Greengo and Gaines:

Authorizing the establishment of foreign trade zones.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 113 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 113, and the bill passed the Senate by the following vote: Yeas, 38; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Excused: Senators Bottiger, Day, Fleming, Herr, McDermott, North, Pullen, Ridder, Scott, Woody—10.

HOUSE BILL NO. 113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Reengrossed Senate Bill No. 2418.

MESSAGE FROM THE HOUSE

May 19, 1977.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 2418, with the following amendment:

On page 2, immediately following line 8, strike the remainder of the bill and insert the following new language:

"(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the Commission pursuant to RCW 43.101.080 and 43.101.160. Such training shall be successfully completed during the first fifteen (15) months of employment of such personnel unless otherwise extended or waived by the Commission and shall be requisite to the continuation of such employment.

(2) The Commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of non-commuting attendees for seven days per week. Additionally, the Commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers, the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED; That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his training period.

NEW SECTION. Sec. 3. There is added to chapter 43.101 RCW a new section to read as follows:

(1) Costs of criminal justice training shall be borne in part by those who necessitate the establishment and maintenance of the criminal justice system.

(2) In each instance of bail forfeiture attendant to any violation of a law of this state or an ordinance of a city or county except an ordinance relating to vehicles unlawfully left or parked, an assessment which shall be in addition to such bail forfeited shall be collected and forwarded within thirty days of receipt of such assessment by the clerk of the court, or the county treasurer, to the state treasurer to be deposited in an account within the state general fund to be known as the criminal justice training account, hereby created, funds from which shall be appropriated by law to the Washington State Criminal Justice Training Commission as established by chapter 43.101 RCW. The amount of the assessment shall be as follows:

(a) When forfeiture is ten dollars to nineteen dollars and ninety-nine cents, three dollars;

(b) When forfeiture is twenty dollars to thirty-nine dollars and ninety-nine cents, five dollars;

(c) When forfeiture is forty dollars to fifty-nine dollars and ninety-nine cents, seven dollars;

(d) When forfeiture is sixty dollars to ninety-nine dollars and ninety-nine cents, twelve dollars; and

(e) When forfeiture is one hundred dollars or more, fifteen dollars.

(3) When any deposit of bail is made for a violation to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in subsection (2) of this section.

(4) When bail is forfeited, the assessment prescribed in this section shall be forwarded to the state treasurer pursuant to this section. If bail is returned, the assessment made thereon shall also be returned.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendment to Reengrossed Senate Bill No. 2418.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2418, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Excused: Senators Bottiger, Day, Fleming, Herr, McDermott, North, Pullen, Ridder, Scott, Woody—10.

REENGROSSED SENATE BILL NO. 2418, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 746.

SECOND READING

ENGROSSED HOUSE BILL NO. 746, by Representative Thompson:
Modifying terms of office of members of county legislative authorities.

REPORT OF STANDING COMMITTEE

May 9, 1977.

ENGROSSED HOUSE BILL NO. 746, modifying terms of office of members of county legislative authorities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On line 21, after "years))" strike everything down to and including "issued" on line 22 and insert "qualified and shall begin on the first Monday following the issuance of a certificate of election for that office. The term of office of each member of a county legislative authority who is office on the effective date of this act shall expire on the first Monday following the issuance of the certificate of election of that member's successor to the office"

Signed by: Senators Fleming, North, Sellar, Talley.

The bill was read the second time by sections.

Senator Wilson moved adoption of the committee amendment.

MOTION

On motion of Senator Marsh, Engrossed House Bill No. 746, together with the committee amendment moved for adoption by Senator Wilson, was ordered held following consideration of Senate Bill No. 3080.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 642.

SECOND READING

HOUSE BILL NO. 642, by Representatives Winsley, Monohon, Kreidler and Keller:

Requiring that applications for abatement of taxes on destroyed property be filed in the year of destruction or within 75 days of destruction.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 642 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 642, and the bill passed the Senate by the following vote: Yeas, 40; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray,

Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Excused: Senators Bottiger, Fleming, Herr, McDermott, North, Pullen, Scott, Woody—8.

HOUSE BILL NO. 642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2215.

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2215, with the following amendments:

On page 2, beginning on line 22, strike all of section 1 and renumber the remaining sections consecutively

On page 7, beginning on line 17, after "all claims" strike "not exceeding one thousand dollars"

On page 7, after line 25, strike all of subsection (2) through line 3, page 8, and insert the following:

"(2) Notwithstanding the provisions of subsection (1) of this section the court shall grant a petition by a personal representative to reject a claim in whole or in part at any time prior to the termination of probate proceedings, but only after notice and hearing, and only upon a finding that to deny such petition would effectuate a manifest injustice."

On page 1, beginning on line 1 of the title, after "probate;" strike all material down to and including "11.12.050;" on line 2, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2215, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

May 23, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2419, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, ~~((record or divulge))~~ or record any:

~~((+))~~ (a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit

said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

~~((2))~~ (b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding the provisions of subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, crime, or other disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which use primarily lewd, lascivious, profane, indecent, or obscene words or language, or (d) which occur anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues without the purpose of legitimate conversation, may be recorded with the consent of one party to the conversation.

(3) Consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, radio or television station from divulging the communication or conversation.

Sec. 2. Chapter 93 Laws of 1967 ex. sess. and RCW 9.73.060 are each amended to read as follows:

Any person who, directly or by means of a detective agency or any other agent, violates the provisions of ~~((RCW 9.73.030))~~ this chapter shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this statute has injured his business, his person, or his reputation. A person so injured shall be entitled ~~((in addition to other injuries,))~~ to recover for (1) actual damages, (2) mental pain and suffering endured by him on account of violation of the provisions of this chapter ~~((RCW 9.73.030.))~~ or (3) to liquidated damages computed at the rate of \$100.00 a day for each day of violation, or \$1,000, whichever is higher, and to a reasonable attorney's fee and other costs of litigation.

Sec. 3. Section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police and fire personnel in the following instances:

~~((+))~~ (a) Recording incoming telephone calls to police and fire stations ~~((for the purpose and only for the purpose of verifying the accuracy of reception of emergency calls));~~

~~((2))~~ (b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

~~((a))~~ (i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording~~((:));~~

~~((b))~~ (ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof~~((:));~~

~~((c))~~ (iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording(,);

~~((d))~~ (iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: **PROVIDED**, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: **PROVIDED HOWEVER**, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

(3) Notwithstanding subsection (2) of this section, when a law enforcement officer has probable cause to believe that the nonconsenting party has committed, is about to commit, or is engaged in controlled substance trafficking or buying, selling, or possessing stolen property and one of the parties to the communication or conversation has given prior consent to the interception, recording or disclosure then the officer may intercept, record, or disclose such communications or conversations when they occur within a defined location and determined period of time, if authorization is obtained in writing or by telephone by the county prosecuting attorney or deputy prosecuting attorney: **PROVIDED HOWEVER**, That if authorization is by telephone the authorization and statement of the officer justifying such authorization shall be recorded by the prosecuting attorney or deputy prosecuting attorney on a recording device in the custody of the prosecuting attorney or deputy prosecuting attorney at the time transmitted and the recording shall be retained and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to subsections 2 and 3 of section 2 of this 1977 amendatory act shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained by the prosecuting attorney for as long as any crime may be charged based on the events or communications or conversations recorded.

Recordings of communications or conversations made pursuant to this subsection shall only be admissible in trials arising from indictments or informations for violations of chapter 69.50 RCW and RCW 9A.56.140 through 9A.56.170.

(4) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(5) Authorizations issued under this section shall be effective for seven days, after which period the issuing authority may upon application of the officer who secured the original authorization renew or continue the authorization for an additional period not to exceed seven days.

NEW SECTION. Sec. 4. There is added to chapter 9.73 RCW a new section to read as follows:

If the facilities from which a communication is to be intercepted are public, no order shall be issued unless the court determines that there is a special need to intercept communications over such facilities.

If the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, or are leased to, listed in the name of, or commonly used by a licensed physician, licensed practicing psychologist, a newsreporter, an attorney-at-law, or practicing clergyman, or is a place used primarily for habitation by a husband and wife, no order shall be issued unless the issuing authority, in addition to the matters provided in section 2 of this 1977 amendatory act, determines that there is a special need to record wire or oral communications over such facilities or in such places. "Special need" as used in this section shall require, in addition to other matters required in applications for authorizations required by this chapter, a showing that there is probable cause to believe that the licensed physician, licensed practicing psychologist, a newsreporter, an attorney-at-law, or practicing clergyman is personally engaging in or was engaged in over a period of time as a part of a continuing criminal activity or is committing, has committed or is about to commit a violation of chapter 69.50 or RCW 9A.56.140 through 9A.56.170, or that the public facilities are being regularly used by someone who is committing, has committed, or is about to commit such an offense. No otherwise privileged wire or oral communication intercepted in accordance with or in violation of, the provisions of this act, shall lose its privileged character.

NEW SECTION. Sec. 5. There is added to chapter 9.73 RCW a new section to read as follows:

It shall not be unlawful for the owner or person entitled to use and possession of a building, as defined in RCW 9A.04.110(5), or the agent of such person, to intercept, record, or disclose communications or conversations which occur within such building if the persons engaged in such communication or conversation are engaged in a criminal act at the time of such communication or conversation by virtue of unlawful entry or remaining unlawfully in such building.

NEW SECTION. Sec. 6. There is added to chapter 9.73 RCW a new section to read as follows:

(1) Within 30 days after the expiration of an authorization or an extension or renewal thereof issued pursuant to subsection (2) of section 1 (RCW 9.73.090(2)) of this act, the issuing or denying judge shall make a report to the administrator for the courts stating that:

- (a) An authorization, extension or renewal was applied for;
- (b) The kind of authorization applied for;
- (c) The authorization was granted as applied for, was modified, or was denied;
- (d) The period of recording authorized by the authorization and the number and duration of any extensions or renewals of the authorization;
- (e) The offense specified in the authorization or extension or renewal of authorization;
- (f) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; and
- (g) The character of the facilities from which or the place where the communications were to be recorded.

(2) In addition to reports required to be made by applicants pursuant to federal law, all judges of the superior court authorized to issue authority pursuant to this act shall make annual reports on the operation of this act to the administrator for the courts. The reports by the judges shall contain (a) the number of applications made; (b) the number of authorizations issued; (c) the respective periods of such authorizations; (d) the number and duration of any renewals thereof; (e) the crimes

in connection with which the conversations were sought; (f) the names of the applicants; and (g) such other and further particulars as the administrator for the courts may require.

The chief justice of the supreme court shall annually report to the governor and the legislature on such aspects of the operation of this act as he deems appropriate including any recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this act and to assure and protect individual rights.

NEW SECTION, Sec. 7. Each application for an authorization to record communications or conversations pursuant to section 1 (RCW 9.73.090) of this act shall be made in writing upon oath or affirmation and shall state:

- (1) The authority of the applicant to make such application;
- (2) The identity and qualifications of the investigative or law enforcement officers or agency for whom the authority to record a communication or conversation is sought and the identity of whoever authorized the application;
- (3) A particular statement of the facts relied upon by the applicant to justify his belief that an authorization should be issued, including:
 - (a) The identity of the particular person, if known, committing the offense and whose communications or conversations are to be recorded;
 - (b) The details as to the particular offense that has been, is being, or is about to be committed;
 - (c) The particular type of communication or conversation to be recorded and a showing that there is probable cause to believe such communication will be communicated on the wire communication facility involved or at the particular place where the oral communication is to be recorded;
 - (d) The character and location of the particular wire communication facilities involved or the particular place where the oral communication is to be recorded;
 - (e) A statement of the period of time for which the recording is required to be maintained, if the character of the investigation is such that the authorization for recording should not automatically terminate when the described type of communication or conversation has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;
 - (f) A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ.

(4) Where the application is for the renewal or extension of an authorization, a particular statement of facts showing the results thus far obtained from the recording, or a reasonable explanation of the failure to obtain such results;

(5) A complete statement of the facts concerning all previous applications, known to the individual authorizing and to the individual making the application, made to any court or prosecuting attorney for authorization to record a wire or oral communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each application; and

(6) Such additional testimony or documentary evidence in support of the application as the judge may require.

NEW SECTION, Sec. 8. Within a reasonable time but not later than thirty days after the termination of the period of the authorization or of extensions or renewals thereof, or the date of the denial of an authorization applied for under section 1 (RCW 9.73.090) of this act, the issuing authority shall cause to be served on the person named in the authorization or application for an authorization, and such other parties to the recorded communications as the judge may in his discretion determine to be in the interest of justice, an inventory which shall include:

- (1) Notice of the entry of the authorization or the application for an authorization which has been denied under section 1 (RCW 9.73.090) of this act;
- (2) The date of the entry of the authorization or the denial of an authorization applied for under section 1 (RCW 9.73.090) of this act;
- (3) The period of authorized or disapproved recording; and
- (4) The fact that during the period wire or oral communications were or were not recorded.

The issuing authority, upon the filing of a motion, may in its discretion make available to such person or his attorney for inspection such portions of the recorded communications, applications and orders as the court determines to be in the interest of justice. On an ex parte showing of good cause to the court the serving of the inventory required by this section may be postponed.

NEW SECTION. Sec. 9. There is added to chapter 9.73 RCW a new section to read as follows:

In addition to reports and records otherwise required by law, the prosecuting attorney for each county shall maintain records of all recordings authorized by them pursuant to section 1(3) of this 1977 amendatory act (RCW 9.73.090(3)). Such records shall include the name of the person requesting and the reasons for the request and the informations, indictments, or other results of any authorized recording. Copies of such records shall be filed annually with the attorney general, who shall then report annually to the legislature on this phase of the operation of chapter 9.73 RCW.

NEW SECTION. Sec. 10. The provisions of this act shall expire on June 20, 1979 unless extended by law for an additional fixed period of time."

In line 1 of the title, after "privacy;" strike "and"

In line 2 of the title, after "9.73.030" insert "; amending section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.090; adding a new section to chapter 9.73 RCW; amending chapter 93, Laws of 1967 ex. sess. and RCW 9.73.060; and prescribing an expiration date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Francis moved the Senate refuse to concur in the House amendments to Engrossed House Bill No. 2419, and asks the House for a conference thereon.

POINT OF INQUIRY

Senator Grant: "Would Senator Francis yield to a question? Senator Francis, from your remarks, the only problems that you pointed out are perhaps some internal cross references. You indicated there were substantive changes, but you didn't elaborate as to what those changes were, or why we should not concur in them. I would like a little further explanation before I vote not to concur."

Senator Francis: "All right, Senator Grant. I am sure that Senator Clarke will also have something to add to this. I am not suggesting that we don't want to concur with any of the changes they made. I think some of the changes, frankly, improve the bill, and by saying that, I think they have a little more control over the use that law enforcement makes of these one party consents and so forth. They introduce a warrant procedure into there and so forth.

"I was tempted to just go along with it myself and say all right, but the fact is that it is technically just not in shape to do it. Rather than asking them to recede from the amendments, I would rather try to keep some of what they have done, if not most of what they have done, but to put it together well technically."

Debate ensued.

The motion by Senator Francis carried. The Senate refused to concur in the House amendments to Engrossed House Bill No. 2419, and asks the House for a conference thereon.

MOTION

At 10:45 a.m., on motion of Senator Marsh, the Senate recessed until 12:06 p.m.

NOON SESSION

The President called the Senate to order at 12:06 p.m.

MOTION

At 12:06 p.m., on motion of Senator Marsh, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3080.

SECOND READING

SENATE BILL NO. 3080, by Senator Bottiger (by Washington State Energy Office request):

Creating an energy advisory council and revising other energy related laws.

MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 3080 was substituted for Senate Bill No. 3080, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 3080 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3080, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 5; excused, 1.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebecke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Bausch, Benitz, Grant, Morrison, Sellar—5.

Excused: Senator Pullen—1.

SUBSTITUTE SENATE BILL NO. 3080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3015.

SECOND READING

SENATE BILL NO. 3015, by Senators Talley, Goltz, Peterson, Murray and Rasmussen:

Providing for a liquefied natural gas hazards management study.

REPORT OF STANDING COMMITTEE

May 19, 1977.

SENATE BILL NO. 3015, providing for a liquefied natural gas hazards management study (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments by Committee on Energy and Utilities:

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. The legislature finds and declares that the safe and prompt delivery of energy producing fuels is of paramount importance to the economy of the state. Recognizing the complex problems to be solved and the hazards to be averted as well as the potential for the substantial benefits to be achieved makes apparent the need for a study to determine the safety and jurisdictional problems of typical liquefied natural gas ports, liquefied petroleum gas ports, and liquefied natural gas regasification sites on the waters of the state of Washington. It is, therefore, the declared policy and intent of this legislation to fund an initial study of the matter.

NEW SECTION. Sec. 2. (1) The oceanographic commission shall conduct a liquefied natural gas and liquefied petroleum gas hazards management study to determine:

(a) The nature of typical transport and port facilities used to receive marine shipments of liquefied natural gas and liquefied petroleum gas and facilities for subsequent regasification of liquefied natural gas;

(b) Representative sites for liquefied natural gas and liquefied petroleum gas port facilities based upon the size of vessels and harbor facilities and in terms of safely dealing with the hazardous properties of liquefied natural gas and liquefied petroleum gas;

(c) The hazardous properties of liquefied natural gas and liquefied petroleum gas and subsequent safeguards which the state may require in liquefied natural gas and liquefied petroleum gas port facilities;

(d) The responsibilities of federal, state, and local governments in siting and operating liquefied natural gas liquefied petroleum gas port facilities and liquefied natural gas regasification facilities;

(e) Whether at the representative locations for the facility the state and local governments have the resources to effectively manage the hazards by such means as fire protection and security; and

(f) Any other areas of importance which the oceanographic commission feels would have an impact on a liquefied natural gas or a liquefied petroleum gas port facility or a liquefied natural gas regasification facility.

(2) After conducting a search for studies, reports, or other literature relating to liquefied natural gas and liquefied petroleum gas hazards management, the commission shall submit a report to the house and senate energy and utilities committees concerning the material available and the reasons for the commission's decision whether or not to proceed with the remainder of the study.

(3) The findings of this study shall be reported to the legislature by the second Monday in January, 1979.

NEW SECTION. Sec. 3. There is appropriated to the oceanographic commission of Washington from the general fund the sum of seventy-six thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of section 2 of this act.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott, Woody.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Guess: "Would Senator Bottiger yield? Senator Bottiger, I believe that the oceanographic commission made a study about the pipeline across Puget Sound from Port Angeles over to Cherry Point. Could you tell us the results of that study?"

Senator Bottiger: "Senator, I don't believe they made any such study. They made a study of a crossing of Admiralty Inlet."

Senator Guess: "Right."

Senator Bottiger: "They determined that it was feasible, but did not go into the cost or the mechanical complication. They found that it was feasible to do it, but that is all, to my knowledge, they studied about any pipeline across the Sound."

Senator Guess: "Senator Bottiger, they said that it was feasible in the face of the fact that it was going to go down on the bed of the Sound in a very fast water area where it is now scoured bare, he was going to put oil—it has a pour point of about ninety degrees—into a thirty-four or thirty-five degree environment which makes the oil totally solid, and yet they said it was feasible. Does anything that they have done so far give you any encouragement that they have got the expertise to make a decent study?"

Senator Bottiger: "Senator Guess, they did a study on—and I am sorry, I can't remember the exact name of the place, in Alaska which received national acclaim as to its ability. I think you are concentrating on one small portion of the Admiralty Bay study, and I don't believe they got down to the pour point of oil."

Senator Guess: "Senator Bottiger, the hearing that we had at the Seattle Center they did talk about the pour point of oil, and they defended themselves by saying that you could actually insulate or they could wrap heating coils around the pipe. That is the stupidest thing I have ever heard of in my life. After that study and after that hearing I came away from there completely disenchanted with the ability, the expertise, the intelligence, the lack of engineering ability on the part of the oceanographic commission, and here we are going to give them seventy-six thousand dollars. I don't think that the Senate is well advised to give the oceanographic commission a dime."

Senator Bottiger: "Perhaps, Senator Talley or Senator Murray are better able to defend past actions. The industry and local government both supported this bill to identify the hazards of these two kinds of gases."

REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President, in answer to Senator Guess, Sam, I usually agree with you, but I think you are completely wrong on your statements, and I think you owe the oceanographic commission an apology. We studied that thing, and you know what that thick oil is? That is the oil that comes out of Indonesia that is almost as thick as vaseline. I don't care where you put it, you are going to have trouble with it."

POINT OF INQUIRY

Senator Guess: "Isn't the pour point of the oil coming out of Alaska less than ninety?"

Senator Talley: "The what?"

Senator Guess: "The pour point of the oil, the crude, coming out of Alaska less than ninety degrees?"

Senator Talley: "Sam, I don't know. You have become an oil expert for the Senate. Maybe you can tell me."

Senator Guess: "I was at the hearing where it was stated, and you were there too, Senator."

Senator Talley: "That is right."

Senator Guess: "And the testimony was that it would become a congealed solid when it got into an environment on the bottom of the Sound with thirty-five or thirty-six degrees of temperature down there, and the only way they could keep the thing flowing was to either plug it and run a plumber's friend through there to keep the oil going or they would have to put a heating coil on it. Now, when they said it was feasible, they should have taken into consideration every facet of the thing, and since they said it was not—I mean they said it was feasible, and it totally wasn't possible for oil to flow at that degree of temperature on the bottom of the Sound, I think that they have lost all credibility as far as I am concerned, and I want to tell it here on the floor like it was, Senator. They don't have the expertise to make another study for us."

Senator Talley: "Do you think anybody in our state has the credibility to do it, then?"

Senator Guess: "Senator, the pipes should not have ever been studied to go across Admiralty Bay or Admiralty Inlet."

"In the first place, when you put a pipe—"

Senator Talley: "Now you are getting into something that is clear off the subject. You say it should never have been in the first place."

Senator Guess: "That's right."

Senator Talley: "I mean, it was hard to do and they did their best with it."

Senator Guess: "Well, we gave them the thing, and I tried to fight it at the time and yet, we went ahead and rammed through a study for them."

Senator Talley: "I don't think we rammed through anything."

Senator Guess: "This body did. They voted it over my protests. I protested then, and I am going to protest more vehemently today over a bill to give them seventy-six thousand dollars to waste, and that is what I want to get the body of this Senate alerted to."

REMARKS BY SENATORS BOTTIGER AND GUESS

Senator Bottiger: "Mr. President and members of the Senate, Senator Guess, I don't mean to contradict you, but the pour point of the oil from Indonesia, the very heavy oil, which one of our refineries uses, is ninety-eight degrees. The pour point of the oil from Alaska is about forty. We have a pipeline going across Alaska, Senator, from the Arctic Circle down that is apparently working all right, and I suggest that

is a little bit colder than the bottom of the Sound. I think your figures are wrong, Sam, on Alaskan oil."

Senator Guess: "Senator, the oil comes out of the ground at North Slope. I was there, I have been at the Discovery well and the Confirmation well both. The temperature is a hundred and sixty degrees, and they heat it. Every time it goes down in temperature, they have the capability of heating it to bring it back up, besides the fact that when they put it under eight hundred pounds of pressure, moving through the pipeline it picks up the skin friction, and the skin friction heats the oil. So, the oil will not come out of the pipeline colder than when it went in."

"Yes, this is true. There was some of the oil from Indonesia that did have a different pour point. The Alaska still will congeal at the temperatures you find on the bottom of the Sound, and they said it was feasible."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and Senator Guess, I think you are probably right. That was one of the questions that was raised at the hearing, that if for any reason at all, a break some place in the pipeline would congeal and they would build a new pipeline."

Debate ensued.

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, in answer to Senator Rasmussen, we have standing committees of the Senate of the state of Washington. They hold hearings, and I don't see why we have got to pay the oceanographic commission seventy-six thousand dollars to hold hearings that the committee can hold for the normal salary and the per diem that we have. I think that you are going to get an answer you are not going to like, and frankly, I haven't seen anything that we have used that they have produced yet. They had four hundred thousand dollars out of the '73 session, and what did they produce then? I think this is a waste of money."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Bottiger yield? Senator Bottiger, the pipeline, actually whether the gas comes down from All America, as it is called, down through Alaska, do we have anything to do with that? Does the state of Washington have anything to do with whether or not the federal power commission gives the franchise or gives the right for the gas to come from the north shore, the north slope, down to Valdez?"

Senator Bottiger: "No, Senator, we don't, but we also have applications at Cottonwood Island on the Columbia River and at Ferndale to handle liquid natural gas from other sources."

Senator Guess: "All right. If the federal power commission says that the line is going down through Canada, will then we have to have this study?"

Senator Bottiger: "Senator Guess, we don't have to have the study. The problem that you run into is whether, and I have got here before me a copy of the Daily News, Longview, Washington, indicates an interest by people to bring liquefied natural gas from Indonesia. When we go into these hearings, what are the hazards? What kind of fire fighting equipment should the county have? What should be the location? What kind of SO₂ water pollutants or discharge from the air from some source that isn't interested in the application? Now that is what we are asking them to do, to identify the hazards, identify the problems, come up as you read the bill, come up with some examples of what ought to be looked at."

"It isn't just Alaskan natural gas, it is other sources around the world."

Senator Guess: "But what happens, and if the gas goes down through Canada and picks up the Mackenzie Delta area, then do you think that the feasibility is there that enough gas will be coming in by tanker to create the demand for a port in the state of Washington?"

Senator Bottiger: "We have one application one expression of interest for Cottonwood Island on the Columbia, and one ship has already come in, from its source I don't know, to Ferndale, and that is the Dewey Soriano ship, so there is already traffic in this area at this time."

Senator Guess: "How did they unload it, the ship that came in at Ferndale?"

Senator Bottiger: "I am not sure I know."

Senator Guess: "Well, aren't we projecting ourselves out ahead and appropriating money here prior to the real need for it?"

Senator Bottiger: "Senator Guess, we are so far behind now, you can't believe it. If we could have settled what we are going to do of transshipment of oil two years ago instead of maybe this year, maybe next year, we would be much better off. Why do we always wait until we are too late before we start?"

Senator Guess: "Oil is one thing and gas is another, Senator."

REMARKS BY SENATOR TALLEY

Senator Talley: "I assure Senator Guess this application on the Columbia River is very sound. Dedicated people are behind it, and I don't think that we should put all our eggs in one basket and trust Canada again. They cut us off once before. We had better have some alternate sources. We ought to know where we are going."

The motion by Senator Bottiger carried and the committee amendment was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3015 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3015, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegard, Peterson, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—45.

Voting nay: Senators Guess, Sandison—2.

Excused: Senator Pullen—1.

ENGROSSED SENATE BILL NO. 3015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Third Substitute House Bill No. 371.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, by Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie):

Revising the juvenile justice and care system.

REPORT OF STANDING COMMITTEE

May 6, 1977.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, revising the juvenile justice and care system (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 13 strike everything after the enacting clause and insert the following:

"PART A

NEW SECTION. Section 1. This chapter shall be known as the "basic juvenile court act".

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Juvenile", "youth", and "child" shall mean any individual who is under the chronological age of eighteen years;

(2) "Juvenile offender" and "juvenile offense" shall have the meaning ascribed in sections 51 through 73 of this 1977 amendatory act; and

(3) "Court" when used without further qualification shall mean the juvenile court.

NEW SECTION. Sec. 3. (1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually, in the month of January, assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

Sec. 4. Section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 65, Laws of 1937 and RCW 13.04.030 are each amended to read as follows:

The ~~((superior))~~ juvenile courts in the several counties of this state, shall have exclusive original jurisdiction ~~((in all cases coming within the terms of this chapter))~~ over all proceedings:

(1) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in sections 30 through 43 of this 1977 amendatory act;

(3) Relating to the termination of a parent and child relationship as provided in sections 44 through 47 of this 1977 amendatory act;

(4) To approve or disapprove alternative residential placement as provided in sections 24 through 27 of this 1977 amendatory act;

(5) Relating to children alleged to be or found to be in need of involuntary civil commitment as provided in chapter 72.23 RCW;

(6) Relating to youth alleged or found to be a juvenile offender as provided in sections 52 through 73 of this 1977 amendatory act, unless:

(a) The juvenile court transfers jurisdiction to adult criminal court; or

(b) The period of limitations of actions applicable to adult prosecution for the offense alleged in the petition has expired; or

(c) The alleged offense involves a nonfelony violation of the traffic laws by juveniles over fifteen years of age; and

(7) Under the interstate compact on juveniles as provided in chapter 13.24 RCW.

NEW SECTION. Sec. 5. Any person aggrieved by a final order of the juvenile court may appeal said order as provided by this section. All appeals in matters other than those related to commission of a juvenile offense shall be taken in the same manner as in other civil cases. Except as otherwise provided in this title, all appeals in matters related to the commission of a juvenile offense shall be taken in the same manner as criminal cases and the right to collateral relief shall be the same as in criminal cases. The order of the juvenile court shall stand pending the disposition of the appeal: **PROVIDED,** That the juvenile court or the appellate court may upon application stay said order.

If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing.

NEW SECTION. Sec. 6. Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20-.060: **PROVIDED,** That in any class AA county such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor.

NEW SECTION. Sec. 7. The administrator shall after consultation with the state planning agency established under Title II of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5611 et seq.) following a public hearing, and after approval of the body responsible for administering the juvenile court, and no later than one hundred eighty days after the effective date of this 1977 amendatory act, adopt standards for the regulation and government of detention facilities for juveniles. Such standards may be revised from time to time, according to the procedure outlined in this section. Each detention facility shall keep a copy of such standards available for inspection at all times. Such standards shall be reviewed and the detention facilities shall be inspected annually by the administrator.

Sec. 8. Section 3, chapter 160, Laws of 1913 as last amended by section 9, chapter 331, Laws of 1959 and RCW 13.04.040 are each amended to read as follows:

The ~~((court))~~ administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the ~~((court))~~ administrator. ~~((In case a probation counselor shall be appointed by any court, the clerk of the court, if practicable, shall notify him in advance when a child is to be brought before said court.))~~ The probation counselor shall ~~((make such investigations as may be required by the court. The probation counselor shall inquire into the antecedents, character, family history, environments and cause of dependency or delinquency of every alleged dependent or delinquent child brought before the juvenile court and shall make his report in writing to the judge thereof. He shall be present in order to represent the interests of the child when the case is heard; he shall furnish the court such information and assistance as it may require, and shall take charge of the child before and after the trial as may be directed by the court))~~:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition pursuant to sections 24, 31, 44, and 57 of this 1977 amendatory act;

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in section 58 of this 1977 amendatory act and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in section 39 of this 1977 amendatory act and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department of social and health services for cases relating to dependency or to the termination of a parent and child relationship in any class A or AA county; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance(~~(, relative to the care, custody, and control of delinquent and dependent children)~~).

The (~~court~~) administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or house of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the board of county commissioners, or (~~fm~~) in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the boards of county commissioners of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to section 58 of this 1977 amendatory act.

NEW SECTION. Sec. 9. It shall be the duty of the prosecuting attorney or the prosecuting attorney's deputy to present the evidence supporting any petition where the facts are contested, except in petitions to approve or disapprove alternative residential placement: PROVIDED, That it shall be the duty of the attorney general or the attorney general's assistant to present the evidence supporting any petition alleging dependency, or any petition seeking the termination of a parent and child relationship, which is filed in a class A or AA county, where the facts are contested: PROVIDED FURTHER, That the responsibility of the prosecuting attorney for proceedings relating to the commission of a juvenile offense shall be as provided in sections 57 and 59 of this 1977 amendatory act.

NEW SECTION. Sec. 10. (1) The following records shall be confidential and shall be released only pursuant to this chapter:

(a) The official juvenile court file: PROVIDED, That the official juvenile court file shall be open to public inspection in cases involving the commission of a juvenile offense;

(b) The social file;

(c) The records of public agencies, private agencies, or persons with respect to children committed to their custody; and

(d) All records pertaining to juveniles produced or retained by any juvenile justice or care agency which shall include the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, or the department of social and health services and its contracting agencies.

(2) The official juvenile court file for a proceeding shall include the petition or information, motions, memorandums, briefs, findings of the court, court orders, and other reports and papers filed in juvenile court.

(3) The social file is the records and reports of the probation counselor and shall be filed separate from the official juvenile court file.

(4) Each petition or information filed with the court shall include only one child and each petition or information shall be filed under a separate docket number.

NEW SECTION. Sec. 11. (1) Where a specific provision of this chapter controls the use of information, then that specific provision governs; and in all other cases release and use of information will be governed by the provisions set forth in this section and section 12 of this 1977 amendatory act.

(2) It shall be the duty of any juvenile justice or care agency providing information to insure the accuracy of that information. To this end:

(a) An agency shall never knowingly record or provide inaccurate information;

(b) An agency shall take steps to insure the security of its records and to prevent tampering therewith; and

(c) An agency shall not supply any record which is not complete, i.e., does not contain information as to all action taken to date with respect to any incident, even if that action has been taken by another agency.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by such other participant or when such other participant is assigned the responsibility of supervising the juvenile. This section shall permit, in accordance with the laws on discovery of evidence applicable in adult criminal cases, counsel for the prosecution and defense and an accused juvenile full access to the records of other juveniles alleged to have committed offenses connected with the offense with which the accused juvenile is charged, and any juvenile witnesses involved in the case. The juvenile court and prosecutor may set up and maintain a central record keeping system which may receive information on all alleged juvenile offenders whether or not their cases are currently pending before the court, except as limited by subsection (2) of this section. The central record keeping system may be computerized and shall have adequate safeguards to protect against improper disclosure of information.

(4) Information concerning a juvenile shall be released to such juvenile, or to such juvenile's parents or attorney, for purposes of checking its accuracy.

(5) Except as provided in section 10 of this 1977 amendatory act, information which could not reasonably be expected to identify the youth or the youth's family may be released to the public.

(6) The identity of an alleged or proven juvenile offender and his or her parent, guardian, or custodian and the circumstances of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(7) Information which is necessary to the preparation of an accused juvenile's defense or to protect a juvenile's interests in a dependency proceeding shall be released to such juvenile or to such juvenile's parents or attorney.

(8) Information which has not been destroyed pursuant to section 12 of this 1977 amendatory act shall be released to participants in the adult criminal justice and corrections system including prosecutors, defendants, defense counsel, and probation or parole officers, concerning the juvenile record of an adult criminal defendant or witness in an adult criminal proceeding after a charge has actually been filed in court.

(9) Nothing in this chapter shall be construed as preventing a crime victim or a member of the victim's family from divulging the identity of the juvenile offender or the juvenile's family where necessary in a civil proceeding.

NEW SECTION. Sec. 12. (1) Any person who believes that he or she may be the subject of any juvenile justice or care record keeping shall have the right, in person or through a parent or attorney, to inquire as to whether a record exists and to be shown such record if it exists. If that record is properly in the possession of the agency maintaining it, the subject shall have the right to challenge the information therein and to have it corrected if it is in error. If that record is not properly in the possession of the agency maintaining it, the subject shall have the right to have it destroyed. Any agency maintaining such records shall promulgate administrative procedures to facilitate such inquiries, and the subject of any record shall have the right to enforce the provisions of this section by equitable or legal proceedings in the superior court.

(2) On motion on the part of a person who has been the subject of an information alleging a juvenile offense or the subject of a dependency petition, or on the court's own motion, the court shall vacate its order and findings, if any, and order the sealing of the legal and social files and records of the court and of any other agency in the case if it finds that:

(a) Two years have elapsed since the final discharge of the person from legal custody or since the entry of any other court order not involving custody; and

(b) The person has not entered into a diversion agreement nor has been found to have committed a crime prior to the filing of the motion, and no proceeding is pending seeking such conviction or adjudication. The motion and the order may include the files and records specified in subsections (3) and (4) of this section.

(3) Reasonable notice of the motion shall be given to:

(a) The prosecutor;

(b) Defense counsel of record;

(c) The department of social and health services, if custody of the child has ever been transferred to the department; and

(d) The law enforcement officers, department, and central depository having custody of the files and records if the files and records specified in section 11 of this 1977 amendatory act are included in the motion.

(4) Upon the entry of the order, the proceedings in the case shall be treated as if they never occurred, and the court and law enforcement officers and departments shall reply and the subject person may reply to any inquiry that juvenile records are confidential.

Inspection of the files and records included in the order may thereafter be permitted by the court only upon motion of the person who is the subject of such records or the prosecuting attorney, and only by those persons named in such motion. However, the court in its discretion may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital, or agency which has the subject person under care or treatment, or individuals or agencies engaged in research.

(5) Any adjudication of the commission of a crime subsequent to sealing shall have the effect of nullifying the sealing order.

(6) A person who has been the subject of an information alleging a juvenile offense and has met the conditions stipulated in subsection (2)(b) of this section may, five years after reaching the age of majority, file a motion requesting the destruction of all records pertaining to his or her case. If the court grants the motion, copies of the order shall be sent to all offices or agencies that are repositories of such records and all such offices and agencies shall comply with the order.

(7) A person who has been the subject of an information alleging a juvenile offense shall be notified of his or her rights under this section at the time of his or her final discharge.

NEW SECTION. Sec. 13. Nothing in this chapter shall be construed to prevent the expungement of any juvenile record ordered expunged by a court to preserve the due process rights of its subject.

NEW SECTION. Sec. 14. Notwithstanding any other provision of this chapter, whenever a child is arrested for a violation of any law, including municipal ordinances, regulating the operation of vehicles on the public highways, a copy of the traffic citation and a record of the action taken by the juvenile court shall be forwarded by the court to the director of licenses in the same manner as provided in RCW 46.20.280.

NEW SECTION. Sec. 15. Sections 1, 2, 3, 5, 6, 7, and 9 through 14 of this 1977 amendatory act shall be added to chapter 13.04 RCW.

PART B

NEW SECTION. Sec. 16. This chapter shall be known as the "Runaway Youth Act".

NEW SECTION. Sec. 17. A law enforcement officer may take a juvenile into limited custody subject to the limitations of this chapter if (1) a law enforcement agency has been contacted by the parent, guardian, or custodian of the child that their child is absent from home without their consent, or (2) if the officer reasonably believes that a juvenile is in circumstances which constitute a substantial and immediate danger to the juvenile's physical safety. In no event shall limited custody extend more than twelve hours from the time of the juvenile's initial contact with the law enforcement officer.

NEW SECTION. Sec. 18. (1) An officer taking a juvenile into limited custody shall inform the juvenile of the reason for such custody and shall, if the juvenile consents, transport the juvenile to his or her home or to a relative or other responsible person, or arrange for such transportation.

(2) The officer so releasing a juvenile from limited custody shall inform the parent, custodian, relative, or other responsible person of the reason for taking the juvenile into limited custody and shall, if he or she believes further services may be needed, inform the juvenile and the person to whom the juvenile is released of the nature and location of appropriate services and shall offer to assist in establishing contact between the family and the service agency.

(3) Where a parent or custodian cannot be reached and release is made to a relative or other responsible person, the officer shall notify the parent or custodian as soon as practicable of the fact and circumstances of the limited custody, the release of the juvenile, and any information given respecting further services.

(4) Where a juvenile is released from limited custody to a person other than a parent or custodian, such person shall reasonably establish that he or she is willing and able to be responsible for the safety of the juvenile.

(5) If the law enforcement officer is unable by all reasonable efforts to contact a parent, custodian, relative, or other responsible person; or if the person contacted lives at an unreasonable distance; or if the juvenile refuses to be taken to his or her home or other appropriate residence; or if the officer is otherwise unable despite all reasonable efforts to make arrangements for the safe release of the juvenile taken into limited custody, the law enforcement officer shall take the juvenile to a designated temporary nonsecure residential facility licensed by the department of social and health services and established pursuant to chapter 74.13 RCW.

NEW SECTION. Sec. 19. A law enforcement officer acting reasonably and in good faith pursuant to this chapter in releasing a juvenile to a person other than a parent or custodian of such juvenile shall be immune from civil or criminal liability for such action.

NEW SECTION. Sec. 20. Sections 16 through 19 of this 1977 amendatory act shall constitute a new chapter in Title 13 RCW.

Sec. 21. Section 3, chapter 30, Laws of 1965 as last amended by section 3, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.020 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(1) Preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children;

(2) Protecting and caring for homeless, dependent, ~~((incorrigible as defined in RCW 13.04.010(7)))~~ or neglected children;

(3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;

(4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

~~((4))~~ (5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

Sec. 22. Section 17, chapter 172, Laws of 1967 as last amended by section 4, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, and supervise a plan that establishes, extends aid to, and strengthens services for the protection and care of homeless, dependent children, ~~((incorrigible children as defined by RCW 13.04.010(7),))~~ neglected children, or ~~((children in danger of becoming delinquent))~~ juvenile offenders.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, guardians, custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, guardians, custodians or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, notify the appropriate law enforcement agency.

(3) Offer, on a voluntary basis, crisis intervention to families who are in conflict.

Crisis intervention services (a) shall consist of an interview or series of interviews with the child or his or her family, as needed, conducted within a brief period of time by qualified professional persons, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or the family; and (b) may include, but are not limited to, the provision of or referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

Nothing in this section shall prohibit an officer of the child welfare services from referring any child who, as a result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive towards others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070.

(4) Have authority to accept for temporary residential care in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW a child who has been taken into limited custody pursuant to section 17 of this 1977 amendatory act: PROVIDED, That a juvenile shall in no event remain in temporary residential

care for a period longer than seventy-two hours from the time of the juvenile's initial contact with the law enforcement officer except as otherwise provided in this section. Upon accepting the child, the staff of the facility shall notify the child's parents or custodian of his or her whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement and shall undertake to make arrangements for the child's return home.

In every case crisis intervention services shall be provided as needed and the staff of the temporary facility shall seek to effect the child's return home or alternative living arrangement agreeable to the child and the parent or custodian as soon as practicable.

(a) If, after his or her admission to a temporary residential facility, a child who is absent from home without permission and his or her parent or custodian agrees to the child's return home, the staff of the facility shall arrange transportation for the juvenile, as soon as practicable, to the county of residence of the parent or custodian, at the latter's expense to the extent of his or her ability to pay.

(b) If the child refuses to return home and if no other living arrangements agreeable to the child and the parent or custodian can be made, the staff of the facility shall arrange transportation for the child to a temporary nonsecure residential facility in the county of residence of the parent or custodian, at the expense of the latter to the extent of his or her ability to pay. If there is no such facility in the county of that residence, the nearest such facility to that residence shall be used.

(c) If a child's legal residence is outside the state of Washington and such child refuses to return home, the provisions of RCW 13.24.010 shall apply.

(d) If the parent or custodian refuses to permit the child to return home, and no other living arrangement agreeable to the child and the parent or custodian can be made, staff of the child welfare services section shall notify the juvenile court to appoint legal counsel for the child and shall file a dependency petition in the juvenile court in the jurisdiction of the residence of the parent or custodian.

(e) If a child and his or her parent or guardian agree to an arrangement for alternative residential placement, such placement may continue as long as there is agreement. During any alternative residential placement, there shall be provided to the child and to his or her family such services as may be appropriate to the particular case, to the end that the child may be reunited with the family as soon as practicable.

(f) If such child and his or her parent or custodian cannot agree to an arrangement for alternative residential placement in the first instance, or cannot agree to the continuation of such placement, the child or his or her parent or custodian may file with the juvenile court a petition to approve alternative residential placement pursuant to section 24 of this 1977 amendatory act. The child shall remain in the placement where he or she is located at the time a petition to approve alternative residential placement is filed until a placement decision is made pursuant to section 26 of this 1977 amendatory act.

(g) In no event shall alternative residential placement for a child in conflict with his or her family be arranged in a secure detention facility or in a secure institution except as provided in this subsection. A child in conflict with his or her parents may be detained in a secure detention facility operated by a county for a maximum of seventy-two hours if:

(i) The staff of the child welfare services section find that the child taken into limited custody has previously been placed in alternative residential care and has run away from such placement and that it is likely that the child will run away from another and different residential placement; or

(ii) The child refuses to return home and refuses to be placed in alternative residential care.

During such detention, efforts shall be continued to the end that the child may be returned home or other living arrangements agreeable to the child and his or her parent, guardian, or custodian are made. If an agreement concerning living arrangements for the child cannot be reached a petition shall be filed within forty-eight hours after initial detention of the child, pursuant to subsection (4)(g) of this section. The hearing on the petition shall be held within seventy-two hours of the initial detention of the child. If the hearing on the petition is not held within these time limits the child shall be released from detention.

(5) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children including but not limited to contracting with private and public entities to provide basic education and vocational training and crisis intervention services.

~~((4))~~ (6) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed. ~~((A child in need of detention, whether alleged to be dependent or delinquent, shall, prior to findings and disposition by the court pursuant to RCW 13.04.095 as now or hereafter amended, be the responsibility of and provided for by the juvenile court.))~~

~~((5))~~ (7) Have authority to purchase care for children and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

~~((6))~~ (8) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

(9) Notwithstanding any other provision of sections 16 through 19, 21, and 22 of this 1977 amendatory act, all services to be provided by the department of social and health services under subsections (3) and (4) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Title II of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.).

NEW SECTION. Sec. 23. This chapter shall be known as the "Juvenile Court Procedure for Families In Conflict".

NEW SECTION. Sec. 24. A child or a child's parent or custodian may file with the juvenile court a petition to approve alternative residential placement as provided in RCW 74.13.031(4)(g) as now or hereafter amended. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent or custodian, and confers upon the court a special jurisdiction to approve or disapprove alternative residential placement or its continuation.

NEW SECTION. Sec. 25. The juvenile court shall promptly appoint legal counsel for the child whether or not the child is the moving party, schedule a hearing date, and notify the child and his or her parent or custodian of the hearing date, the legal consequences of an approval or disapproval of alternative residential placement, the right of both parties to present evidence at the hearing, and the right of the parent or custodian to be represented by legal counsel at the hearing.

NEW SECTION. Sec. 26. The hearing shall be upon the question of the child's placement only and no other issue shall be considered in the case unless other factors are present indicating child neglect, child abuse, or the child's violation of the criminal law. In such case, a petition shall be filed alleging dependency or the commission of a juvenile offense. In ruling on a petition to approve alternative residential

placement, the court shall approve or disapprove the placement and shall make no other order extending court jurisdiction over the child except as provided in this section.

(1) At the hearing on the motion to approve alternative residential placement, the court shall approve the placement in which the child resides or wishes to reside, unless the court finds upon a preponderance of the evidence that the placement imperils or will imperil the child, and that it is probable that his or her conditions of living will be improved by available alternative residential placements.

(2) Before disapproving a placement, the court shall give such reasonable opportunity for correction of the defects of the placement in which the child resides or wishes to reside, as may be appropriate under the circumstances of the particular case.

If the court finds that the placement where the child resides imperils him or her, notwithstanding the provisions of this subsection, the court shall take such steps as may be required to remove the child therefrom and place the child in an alternative placement pursuant to subsection (3) of this section. If an opportunity for correction of the defects of the placement in which the child resides or wishes to reside is provided the court shall set a date certain for return of the child to this placement.

(3) The court may direct that another alternative residential placement be arranged, subject to the agreement of the child and his or her parent or custodian and the approval of the court. If an agreement cannot be reached the court shall designate a placement taking into account the child's preferences.

For the purposes of this section, a placement is deemed to imperil a child when it fails to provide physical protection, adequate shelter, or adequate nutrition; or seriously and unconscionably obstructs the child's medical care, education, or physical and emotional development, as determined according to the needs of the child in the particular case; or exposes the child to unconscionable exploitation.

NEW SECTION. Sec. 27. Upon approving an alternative residential placement pursuant to this section, the court shall schedule the matter on the calendar for review in six months, advise the parties of the date thereof, appoint legal counsel to represent the child at the review hearing, and notify the parties of their rights to present evidence at the review hearing and of the right of the parent or custodian to be represented by legal counsel. At each review hearing, the juvenile court: (1) Shall approve or disapprove the continuation of the alternative residential placement according to the same standards and limitations as governed the initial approval; (2) shall determine that such interim services as may be appropriate have been offered the child and his or her family, pursuant to RCW 74.13.031 as now or hereafter amended; and (3) shall again set the matter on the calendar for further review in six months, notifying the parties as before.

NEW SECTION. Sec. 28. Sections 23 through 27 of this 1977 amendatory act shall constitute a new chapter in Title 13 RCW.

PART C

NEW SECTION. Sec. 29. This chapter shall be known as the "Juvenile Court Act in Cases Relating to Dependency of a Child and the Termination of a Parent and Child Relationship".

NEW SECTION. Sec. 30. For purposes of this chapter:

(1) "Child" and "juvenile" shall mean any individual under the age of eighteen years;

(2) "Dependent child" shall mean any child:

(a) Who has been abandoned; that is, left by his or her parents, guardian, or other custodian without parental care and support; or

(b) Who is abused or neglected as defined in chapter 26.44 RCW; or

(c) Who has no parent, guardian, or custodian.

Sec. 31. Section 5, chapter 160, Laws of 1913 and RCW 13.04.060 are each amended to read as follows:

Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent (~~(or delinquent)~~) child and praying that the superior court deal with such child as provided in this chapter: PROVIDED, That in counties having paid probation officers, such officers shall, as far as possible, first determine if such petition is reasonably justifiable. Such petition shall be verified and shall contain a statement of facts constituting such dependency (~~(or delinquency)~~), as defined in (~~(RCW 13.04.010)~~) this chapter, and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of such dependent (~~(or delinquent)~~) child. There shall be no fee for filing such petitions.

NEW SECTION. Sec. 32. The juvenile court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if a petition is filed with the juvenile court alleging that the child is dependent and the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

NEW SECTION. Sec. 33. (1) A child taken into custody pursuant to section 32 or 49 of this 1977 amendatory act shall be immediately placed in shelter care. "Shelter care" means temporary physical care in a foster family home or receiving home licensed pursuant to RCW 74.15.030. In no case shall a child who is taken into custody pursuant to section 32 or 49 of this 1977 amendatory act be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a preliminary shelter care hearing. The court shall hold a preliminary shelter care hearing if one is requested.

(2) The juvenile court counselor assigned to the matter shall advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in section 36 of this 1977 amendatory act.

(3) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in section 36 of this 1977 amendatory act and shall appoint counsel pursuant to section 36 of this 1977 amendatory act if counsel has not been retained by the parent or guardian or if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived.

(4) The court shall take testimony concerning the circumstances for taking the child into custody and the need for shelter care. The court shall give the child and the child's parent or guardian and the parent's or guardian's counsel an opportunity to introduce evidence, to be heard in their own behalf, and to examine witnesses.

(5) In class A and AA counties the department of social and health services (and in all other counties the juvenile court probation counselor) shall submit a recommendation to the court as to the further need for shelter care.

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or custodian or other suitable person able and willing to provide supervision and care for such child unless the court finds there is reasonable cause to believe that:

(a) The child has no parent, guardian, custodian, or other suitable person to provide supervision and care for such child; or

(b) The release of such child would present a serious threat of substantial harm to such child.

If continued shelter care is ordered, the court shall set forth its reasons for continued shelter care.

(7) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(8) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. No child shall be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

Sec. 34. Section 6, chapter 160, Laws of 1913 and RCW 13.04.070 are each amended to read as follows:

(1) Upon the filing of ((an information, or)) the petition, the clerk of the court shall issue a summons ((requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian, if there be one or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings; and in any case the judge shall appoint some suitable person or association to act in behalf of the child)), one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to section 32 of this 1977 amendatory act, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided, shall fail without reasonable cause to appear and abide the order of the court, ((or bring the child;)) he ((shall)) may be proceeded against as for contempt of court. ((In case the summons cannot be served or the parties served fail to obey [the] same, and in any case when it shall be made to appear to the court that said summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person

having custody of the child, or with whom the child may be, or against the child itself. On return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case, the child may be retained in the possession of the person having charge of same, or may be kept in some suitable place provided by the city or county authorities, or by any association having for one of its objects the care of delinquent and dependent children:))

Sec. 35. Section 7, chapter 160, Laws of 1913 as amended by section 4, chapter 302, Laws of 1961 and RCW 13.04.080 are each amended to read as follows:

In ((any)) a dependency case where it shall appear by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in ((RCW 13.04.070)) section 34 of this 1977 amendatory act, and a copy of said notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court may order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase "To whom it may concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition and the date of hearing and the object of the proceeding in general terms, shall be set forth and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

NEW SECTION. Sec. 36. Any party has a right to be represented by an attorney of his or her own choosing in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

At all stages of a proceeding in which a child is alleged to be dependent pursuant to section 30 of this 1977 amendatory act, the child's parent or guardian shall have the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court.

NEW SECTION. Sec. 37. The court, at any stage of a proceeding under this chapter, may appoint a guardian ad litem for a child who is a party to the proceedings. A party to the proceeding or the party's employee or representative shall not be so appointed. Such guardian ad litem shall receive all notice contemplated for a parent in all proceedings under this chapter.

Sec. 38. Section 5, chapter 302, Laws of 1961 and RCW 13.04.091 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefore, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days. No social file or social study shall be considered by the court in connection with the fact-finding hearing or prior to factual determination. Notice of the time and place of the continued hearing may be given in open

court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases shall not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded and only such persons shall be admitted who are found by the judge to have a direct interest in the case or in the work of the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

NEW SECTION, Sec. 39. (1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made. The study shall include all social records and shall be made available to the court. The court shall consider the social file and social study at the disposition hearing in addition to evidence produced at the fact-finding hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to section 30(2)(b) of this 1977 amendatory act shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent further harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

NEW SECTION, Sec. 40. If, after a fact-finding hearing pursuant to section 38 of this 1977 amendatory act, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of section 30(2) (a), (b), or (c) of this 1977 amendatory act; after consideration of the predisposition report prepared pursuant to section 38 of this 1977 amendatory act and after a disposition hearing has been held pursuant to section 38 of this 1977 amendatory act, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be placed in foster care. Such an order may be made only if:

(i) There is no parent or guardian available to care for such child; or

(ii) The child is unwilling to reside in the custody of the child's parent or guardian; or

(iii) The parent or guardian is not willing to take custody of the child; or

(iv) A manifest danger would exist that the child will suffer further abuse or neglect if the child is not removed from the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will receive in order to enable them to resume custody and what actions the parents must take in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's well-being.

(d) The agency charged with supervising a child in placement shall be responsible for assuming that all services are provided. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section still exists. When a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) What services have been provided to or offered to the parents to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order such services; and

(v) When return of the child can be expected.

(c) If a child is not returned to the child's home, at such review hearing the court shall advise the parents that a petition to seek termination of parental rights may be ordered at the next review hearing.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 41. Section 15, chapter 160, Laws of 1913 and RCW 13.04.150 are each amended to read as follows:

Any order made by the court in the case of a dependent (~~or delinquent~~) child may at any time be changed, modified or set aside, as to the judge may seem meet and proper.

Sec. 42. Section 8, chapter 160, Laws of 1913 as last amended by section 1, chapter 138, Laws of 1969 ex. sess. and RCW 13.04.100 are each amended to read as follows:

~~((An order of commitment may be temporary or permanent in the discretion of the court, and may be revoked or modified as the circumstances of the case may thereafter require:))~~ In any case in which the court shall find the child dependent

((or delinquent)), it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees.

Sec. 43. Section 1, chapter 188, Laws of 1955 as amended by section 8, chapter 302, Laws of 1961 and RCW 13.04.105 are each amended to read as follows:

In any case in which an order or decree of the juvenile court requiring a parent or parents, guardian, or other person having custody of a child to pay for ((detention)) shelter care and/or support of such child is not complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon said order or decree and enter judgment for such amount against the defaulting party or parties, and such judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the same are entered shall be denominated the judgment creditor, or the state may be the judgment creditor where the child is in the custody of a state agency and said judgments may be enforced by the prosecuting attorney of such county, or the attorney general where the state is the judgment creditor and any moneys recovered thereon shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court shall find to be entitled thereto.

Such judgments shall remain as valid and enforceable judgments for a period of six years subsequent to the entry thereof.

NEW SECTION. Sec. 44. A petition seeking termination of a parent and child relationship may be filed in juvenile court. Such petition shall conform to the requirements of RCW 13.04.060 as now or hereafter amended and shall allege:

- (1) That the child has been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under section 30(2)(a) or (b) of this 1977 amendatory act; and
- (2) That the conditions which led to the removal still persist; and
- (3) That there is little likelihood that those conditions will be remedied so that the child can be returned to the parent in the near future; and
- (4) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; and
- (5) That, if the finding of dependency has been pursuant to section 30(2)(b) of this 1977 amendatory act, necessary services have been provided or offered to the parent to facilitate a reunion; and
- (6) That the parent has substantially failed to accept such services; and
- (7) That if the parent is subject to an order of disposition pursuant to the finding of dependency, the parent has substantially failed to comply with the order.

NEW SECTION. Sec. 45. After hearings pursuant to RCW 13.04.091, the court may enter an order terminating all parental rights to a child if the court finds that:

- (1) The allegations contained in the petition as provided in section 44 of this 1977 amendatory act are established by clear, cogent, and convincing evidence; and
- (2) Such an order is in the best interests of the child.

NEW SECTION. Sec. 46. (1) Upon the termination of parental rights pursuant to section 44 of this 1977 amendatory act, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and

the parent shall have no standing to appear at any further legal proceedings concerning the child: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that a native American child derives from the child's descent from a member of a federally recognized Indian tribe.

NEW SECTION. Sec. 47. If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department of social and health services or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption, or in the absence thereof in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within two years after the date of the order and a general guardian of the child has not been appointed by the court, the child shall be returned to the court for entry of further orders for his or her care, custody, and control.

NEW SECTION. Sec. 48. Sections 29, 30, 32, 33, 36, 37, 39, 40, and 44 through 47 of this 1977 amendatory act shall constitute a new chapter in Title 13 RCW. The following sections of the Revised Code of Washington, as now or hereafter amended, are hereby decodified and shall be recodified as part of said new chapter: RCW 13.04.060, 13.04.070, 13.04.080, 13.04.091, 13.04.100, 13.04.105, and 13.04.150.

Sec. 49. Section 5, chapter 13, Laws of 1965 as last amended by section 5, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible occurrence of child abuse or neglect, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide the child protective services section with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court.

A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to section 32 of this 1977 amendatory act. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody.

Sec. 50. Section 28A.27.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.070 are each amended to read as follows:

Any attendance officer, sheriff, deputy sheriff, marshal, policeman, or any other officer authorized to make arrests, shall take into custody without a warrant a child who is required under the provisions of RCW 28A.27.010 through 28A.27.130 to attend school, such child then being a truant from instruction at the school which he is lawfully required to attend, and shall forthwith deliver a child so detained either

~~(1) to the custody of a person in parental relation to the child or (2) to the ((teacher from whom)) school from which the child is then a truant((, or, if after consulting the teacher or other school officials it appears such child be an habitual or incorrigible truant, shall deliver such child into the hands of a juvenile probation officer as provided for in chapter 13.04 RCW for such further action thereon as such officer shall determine under chapter 13.04 RCW)). A designated school official may inform an habitual truant and such child's parents, and shall inform any student who has been expelled from school in accordance with procedures provided by law and such child's parents, of the nature and location of services provided for in RCW 74.13.020(3) if such services may be appropriate to the needs of the child, and shall offer to assist in establishing contact between such family and such services. An habitual ((or incorrigible)) truant for the purposes of this section is one who absents himself with frequency from the school he is required to attend(, or is guilty of wilful and continued disobedience to the school rules and regulations or laws, or whose conduct is pernicious and injurious to the school)).~~

PART D

NEW SECTION. Sec. 51. (1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that both communities and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, it shall be the purpose of this chapter to:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (h) Provide for restitution to victims of crime;
- (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; and
- (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services.

NEW SECTION. Sec. 52. For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

- (a) A class A felony, or an attempt to commit a class A felony;
- (b) Manslaughter in the first degree, rape in the first degree, or rape in the second degree; or
- (c) Assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, robbery in the second degree, burglary in the second degree, statutory rape in the first degree, or statutory rape in the second degree, where such offenses include the infliction of grievous bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator uses a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth for a period of time not to exceed one year. Such an order may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(c) Attendance of information classes;

(d) Counseling; or

(e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include partial confinement or confinement.

(4) "Confinement" means any commitment to a facility operated by or pursuant to a contract with the state, or by or pursuant to a contract with any county;

(5) "Court", when used without further qualification, means the juvenile department of the superior court;

(6) "Criminal history" shall include all criminal complaints against the respondent where:

(a) The allegations were found correct by a juvenile court. In any judgment where a respondent is convicted of two or more charges arising out of the same course of conduct, where one charge is included within the other, then only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to section 8 of this 1977 amendatory act or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile", "youth", and "child" shall mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court, or who is over the age of eighteen years but remaining under the jurisdiction of the court as provided in RCW 13.04.260 as recodified by this 1977 amendatory act;

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense;

(12) "Manifest injustice" means a disposition that would impose an excessive penalty on the juvenile or a clear danger to society in light of the purposes of this chapter;

(13) "Minor or first offender" means a person sixteen years of age or younger who has committed an offense which if committed by an adult would be either a class B or C felony (except for any felony which is listed in subsections (1) (a), (b), or (c) of this section), a gross misdemeanor, or a misdemeanor, and whose prior criminal history, if any, does not include any class A or B felony, more than two class C felonies, or more than one class C felony plus any series of misdemeanors and/or gross misdemeanors totalling three or more, or any series of misdemeanors and/or gross misdemeanors totalling four or more;

(14) "Offense" means an act designated a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(15) "Partial confinement" means confinement in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days of the week spent under community supervision;

(16) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(17) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(18) "Secretary" means the secretary of the department of social and health services;

(19) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter; and

(20) "Shelter care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care.

NEW SECTION. Sec. 53. (1) The secretary shall propose to the legislature no later than November 1st of each even-numbered year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement and/or partial confinement and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case shall the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards proposed for offenders listed in section 52(1) of this 1977 amendatory act shall include a range of confinement which shall not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards proposed by the department shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed shall relate only to the length of the proposed terms and not to the nature of the security to be imposed. The secretary shall also submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review at the same time the department proposes its disposition standards.

(2) The legislature may adopt the proposed standards or refer the proposed standards to the secretary for modification. If the legislature fails to adopt or refer the proposed standards to the secretary by February 15th of the following year, the proposed standards shall take effect without legislative approval on July 1st of that year.

(3) If the legislature refers the proposed standards to the secretary for modification on or before February 15th, the secretary shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or

modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

(4) Notwithstanding any other provision of this section, the secretary shall propose standards and submit guidelines to the legislature no later than November 1, 1977. The legislature shall consider the proposed standards and submitted guidelines during the following year in the manner prescribed by subsections (2) and (3) of this section. Such standards shall be in effect for the period July 1, 1978, to June 30, 1979.

(5) Any term of confinement in excess of thirty days shall be served at a facility operated by or pursuant to a contract with the state of Washington.

(6) In developing and promulgating the permissible ranges of confinement under this section the secretary shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range shall be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range shall be no less than eighty percent of the maximum term in the range.

(7) In developing and promulgating the permissible ranges of partial confinement under this section, the secretary shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range.

NEW SECTION. Sec. 54. (1) A youth may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the youth has committed an offense or has violated terms of community supervision;

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section;

(c) Pursuant to a court order that the youth be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A youth shall not be held in detention unless:

(a) The youth has been taken into custody and referred to the court for allegedly committing an offense or when the youth has allegedly failed, or has been found to have failed, to meet the terms of his or her community supervision, and that the youth's past conduct or statements give reason to believe that:

(i) The youth will likely fail to appear for further proceedings; or

(ii) Detention is required to protect a youth who is dangerous to himself or herself;

(b) The court has ordered detention as a material witness;

(c) The youth is a fugitive from justice;

(d) The secretary or the secretary's designee has suspended the early release of a juvenile offender;

(e) There is clear and convincing evidence that the youth is dangerous to others; or

(f) The youth will seek to intimidate witnesses or otherwise unlawfully interfere with the administration of justice.

(3) Upon a finding that members of the community have threatened the health of a youth taken into custody, at the youth's request the court may order continued detention pending further order of the court.

(4) A youth detained under this section may be released upon posting bond set by the court. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the youth and shall set the date of his or her next court appearance. The court shall advise the youth of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the youth or to return the youth to custody for failing to conform to the conditions imposed. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

NEW SECTION. Sec. 55. (1) When a youth taken into custody is held in detention:

(a) An information shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the youth shall be released; and

(b) A detention hearing shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information, to determine whether continued detention is necessary under section 54 of this 1977 amendatory act.

(2) Written notice of the detention hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel, shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the youth if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under section 58 of this 1977 amendatory act. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a child shall at the detention hearing be ordered released on the child's personal recognizance pending further hearing unless the court finds detention is necessary under section 54 of this 1977 amendatory act.

(6) If detention is not necessary under section 54 of this 1977 amendatory act the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the child in the custody of a designated person agreeing to supervise such child;

(b) Place restrictions on the travel of the child during the period of release;

(c) Require the child to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; or

(e) Require that the child return to detention during specified hours.

NEW SECTION. Sec. 56. (1) Proceedings under this chapter shall be commenced in the county where the child resides. However, proceedings may be commenced in the county where an element of the alleged criminal offense occurred if so requested by the child or by the prosecuting attorney of the county where the incident occurred.

(2) If the hearing takes place in the county where an element of the alleged criminal offense occurred, the case and copies of all legal and social documents pertaining thereto shall be transferred to the county where the child resides for a disposition hearing. All costs and arrangements for care and transportation of the child in custody shall be the responsibility of the receiving county as of the date of the transfer, unless the counties otherwise agree.

(3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when:

(a) There is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun; or

(b) It appears that venue is incorrect under this section.

NEW SECTION, Sec. 57. (1) Complaints referred to the court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint for legal sufficiency. The purpose of such screening shall be to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the youth did commit the offense.

(2) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(3) If it appears that there is probable cause to believe that an offense has been committed by a youth, the prosecutor shall file an information with the juvenile court if the alleged offender is one or more of the following:

(a) An alleged offender accused of a class A felony, an attempt to commit a class A felony, a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in section 52(1)(b) or (c) of this 1977 amendatory act; or

(b) An alleged offender with a criminal history of at least a class A or class B felony, or two class C felony offenses, or at least one class C felony offense and at least one misdemeanor or gross misdemeanor, or at least two gross misdemeanors, or at least one gross misdemeanor and two misdemeanors, or at least three misdemeanors; or

(c) An alleged offender accused of violating his or her diversion agreement or who wishes to be prosecuted rather than enter into a diversion agreement or who has been referred by the diversion unit for prosecution.

(4) Whenever the alleged offender is an alleged offender listed in subsection (3) of this section, the prosecutor may file an information on any other criminal complaint regardless of whether or not the other offense is listed in subsection (3)(a) of this section. In lieu of filing an information, the prosecutor may file a motion to modify or revoke community supervision if a criminal complaint alleges a violation of a condition of community supervision.

(5) If an alleged offender does not fall within subsection (3) of this section, the prosecutor shall refer the complaint to the diversionary unit for the formation of a diversion agreement pursuant to section 58 of this 1977 amendatory act.

(6) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(7) The responsibilities of the prosecutor under subsections (1) through (6) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

NEW SECTION. Sec. 58. (1) A diversion agreement shall be a contract between a youth accused of an offense and a diversionary unit whereby the youth agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it.

(2) A diversion agreement shall be limited to:

(a) Periods of community service not to exceed one hundred fifty hours, but if the youth is attending school, no community service shall be required during normal school hours;

(b) Restitution limited to the amount of actual loss incurred by the victim, and the youth shall be required to make restitution to the victim unless the youth does not have the means and could not acquire the means to do so;

(c) In assessing periods of community service to be performed and restitution to be paid by a youth who has entered into a diversion agreement, the court officer to whom this task is assigned shall to the extent possible involve members of the community. Such members of the community shall meet with the youth and advise the court officer as to the terms of the diversion agreement and shall supervise the youth in carrying out its terms; and

(d) A diversion agreement shall not exceed a period of six months for a misdemeanor or one year for a felony. Any restitution assessed during its term shall not exceed an amount which the youth could be reasonably expected to pay during this period. If additional time is necessary for the youth to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(3) The youth shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(4) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether said youths are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No youth shall be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the youth;

(d) The hearing shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diverted youth has substantially violated the terms of his or her diversion agreement.

(5) The diversion unit shall be responsible for advising a youth of his or her rights as provided in this chapter.

(6) The right to counsel shall inure prior to the initial interview for purposes of advising the youth as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The youth may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The youth shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of

this section, intake interviews shall mean all interviews regarding the diversion agreement process.

The youth shall be advised that a diversion agreement shall constitute a part of the youth's criminal history as defined by section 52(6) of this 1977 amendatory act. A signed acknowledgement of such advisement shall be obtained from the youth, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(7) When a youth enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The youth's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(8) A diversionary unit may refuse to enter into a diversion agreement with a youth. It shall immediately refer such youth to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such youth fails to make restitution or perform community service as required by the diversion agreement.

(9) A diversionary unit may, in instances where it determines that the act or omission of an act for which a youth has been referred to it involved no victim, or where it determines that the youth referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a youth without entering into a diversion agreement: **PROVIDED**, That any youth so handled shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the youth's criminal history as defined by section 52(6) of this 1977 amendatory act. A signed acknowledgment of such advisement shall be obtained from the youth and the document shall be maintained by the unit and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language: **PROVIDED FURTHER**, That a youth determined to be eligible by a diversionary unit for such release shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other youth referred to the unit.

NEW SECTION. Sec. 59. The county prosecuting attorney shall be a party to all juvenile court proceedings involving juvenile offenders or alleged juvenile offenders.

The prosecuting attorney may, after giving appropriate notice to the juvenile court, decline to represent the state of Washington in juvenile court matters except felonies unless requested by the court on an individual basis to represent the state at an adjudicatory hearing in which case he or she shall participate. When the prosecutor declines to represent the state, then such function may be performed by the juvenile court probation counselor authorized by the court or local court rule to serve as the prosecuting authority.

If the prosecuting attorney elects not to participate, the prosecuting attorney shall file with the county clerk each year by the first Monday in July notice of intent

not to participate. In a county wherein the prosecuting attorney has elected not to participate in juvenile court, he or she shall not thereafter until the next filing date participate in juvenile court proceedings unless so requested by the court on an individual basis, in which case the prosecuting attorney shall participate.

NEW SECTION. Sec. 60. (1) Upon the filing of an information, the clerk of the court shall issue a summons directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(2) A copy of the information shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to section 32 of this 1977 amendatory act the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take the child to the place of detention or shelter designated by the court.

(6) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the party's address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court.

NEW SECTION. Sec. 61. (1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is sixteen or seventeen years of age and the petition alleges a class A felony or an attempt to commit a class A felony; or

(b) The respondent is seventeen years of age and the petition alleges assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, rape in the second degree, or robbery in the second degree.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

NEW SECTION. Sec. 62. The court shall hold an adjudicatory hearing on the information, and, after it has announced its findings of fact and its verdict, shall hold a hearing to consider disposition of the case pursuant to sections 65 and 66 of this 1977 amendatory act immediately following the adjudicatory hearing or at a continued hearing within fourteen days unless good cause is shown for a further continuance. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases shall not be heard in conjunction with other business of any other division of the superior court.

NEW SECTION. Sec. 63. (1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, a hearing date shall be set.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its verdict upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its verdict.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing.

(7) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

NEW SECTION. Sec. 64. (1) A youth shall be advised of his or her rights when appearing before the court.

(2) A youth and his or her parent, guardian, or custodian shall be advised by the court or its representative that the youth has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a youth, who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the youth's family, in any proceeding where the youth may be subject to transfer for criminal prosecution, or in any proceeding where the youth may be in danger of confinement or partial confinement. The ability to pay part of the cost of counsel shall not preclude assignment. In no case shall a youth be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The youth shall be fully advised of his or her right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel shall include the right to the appointment of experts necessary and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact-finder.

(8) A juvenile shall be accorded the privilege against self-incrimination. An extra judicial statement which would be constitutionally inadmissible in a criminal proceeding shall not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained shall not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the child. An extra judicial admission or confession made by the child out of court is insufficient to support a finding that the child committed the acts alleged in the information unless a corpus delicti is first established.

(9) Waiver of any right which a child has under this chapter must be an express waiver intelligently made by the child after the child has been fully informed of the right being waived.

(10) Whenever this chapter refers to waiver or objection by a child, the word child shall be construed to refer to a child who is at least twelve years of age. If a child is under twelve years of age, the child's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter.

NEW SECTION. Sec. 65. (1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement; and

(v) The respondent was the leader of a criminal enterprise involving several persons;

(j) A court shall not commit a youth to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

NEW SECTION. Sec. 66. (1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for a determinate sentence consisting of the standard range of disposition for the offense.

If the court finds that a disposition within the standard range would effectuate a manifest injustice, the court may impose a disposition outside the range but only after it enters reasons upon which it bases its conclusion that disposition within the standard range would effectuate a manifest injustice. A disposition imposed outside a standard range is appealable under section 72 of this 1977 amendatory act by the state or the respondent. A disposition within the standard range is not appealable under section 72 of this 1977 amendatory act.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition. A disposition other than a community supervision shall be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. Any disposition other than community supervision may be appealed as provided in section 72 of this 1977 amendatory act by the state or the respondent. A disposition of community supervision may not be appealed under section 72 of this 1977 amendatory act.

(3) A juvenile appearing before the court for formal disposition who has declined to enter into a diversion agreement and who would otherwise be so entitled shall, if determined to be a first or minor offender, be referred to a diversionary unit under the supervision of which such youth may only be required to perform the term of community service and, where there is a victim, shall be required to make restitution under the limits specified in this chapter.

(4) Where the respondent is found to have committed an offense and is neither a serious offender nor a minor or first offender, consistent with the purposes of this chapter the court shall: (a)(i) Where the appropriate standard range includes a period of confinement exceeding thirty days, sentence the offender to the department for a term consisting of the appropriate standard range, or (ii) where the appropriate standard range does not include a period of confinement exceeding thirty days, sentence the offender to a determinate term within the appropriate standard range in which case the court shall consider only those aggravating and mitigating factors set forth in section 65 of this 1977 amendatory act and shall state its reasons for selecting the particular punishment imposed, or (b) shall impose a term of community supervision. If the court sentencing pursuant to subsection (a)(i) or (ii) of this section finds that a disposition within the standard range would effectuate a manifest

injustice, it may impose a disposition other than community supervision outside the range but only after it enters reasons upon which it bases its conclusion that disposition within the standard range would effectuate a manifest injustice. A disposition so imposed outside the standard range may be appealed as provided in section 72 of this 1977 amendatory act by the state or the respondent. A disposition within the standard range or of community supervision shall not be appealable under section 72 of this 1977 amendatory act.

(5) A court may require a juvenile offender to serve a period of partial confinement not to exceed thirty days or a period of confinement not to exceed the minimum period of confinement included within the standard range for the offense(s) for which he or she was found guilty, but in no case to exceed thirty days: **PROVIDED**, That such periods of partial confinement and confinement may be required only of youthful offenders who are: (a) Not sentenced to a sentence within a range established by the legislature; (b) not committed to the department; (c) not first and minor offenders; and (d) are serving terms of community supervision: **PROVIDED FURTHER**, That all such terms of partial confinement and confinement shall be served in a facility operated by or pursuant to a contract with a county or city.

NEW SECTION. Sec. 67. Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations: (1) Where the offenses were committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense; and (2) in all other cases, the aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense.

NEW SECTION. Sec. 68. (1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution: **PROVIDED**, That the court shall not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution.

(2) When a respondent who has been ordered by a court to pay a fine or restitution, or to perform service for the public good fails to fulfill that order, the court upon the motion of the prosecutor or upon its own motion, shall require the respondent to show cause why the respondent should not be confined in a detention facility for nonfulfillment. The court may issue a summons or a warrant for arrest to compel the respondent's appearance.

(3) The respondent shall have the burden of showing that the nonpayment or nonfulfillment was not a wilful refusal and that he or she did not have the means and could not reasonably acquire the means to pay the fine or restitution or to perform the service for the public good. If the court finds that the default was wilful, it may order the youth detained in a county facility for one day for each twenty-five dollars of restitution on which the youth wilfully defaulted or may order the youth detained in a county facility for one day for each eight hours of community service on which the youth wilfully defaulted.

NEW SECTION. Sec. 69. Consistent with the purposes of this chapter, if the respondent violates a condition of his or her community supervision, community supervision may be revoked or modified and further permissible punishment imposed pursuant to the provisions of this chapter. Such punishment may include a period of

confinement and/or partial confinement in a county facility not to exceed thirty days. Community supervision may only be revoked or modified upon the same due process as would be afforded an adult alleged probation violator. Except as provided in section 68 of this 1977 amendatory act, however, a youth found to be a minor or first offender and sentenced to a term of community supervision may not be committed to a term of confinement or partial confinement on the basis of violating a term of his or her community supervision.

NEW SECTION. Sec. 70. (1) The secretary shall, except in the case of a youth committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the youth was found to be guilty established pursuant to section 53 of this 1977 amendatory act, set a release or discharge date for each youth committed to its custody which shall be within the prescribed range to which a youth has been committed. Such dates shall be determined prior to the expiration of sixty percent of a youth's minimum term of confinement included within the prescribed range to which the youth has been committed.

(2) Following the youth's release pursuant to subsection (1) of this section, the secretary may require the youth to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months. The secretary shall, for the period of parole, facilitate the youth's reintegration into his or her community and to further this goal may require the youth to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the youth shall be discharged from the department's supervision.

(3) The department may also revoke or modify parole for violation thereof. If, after affording a youth all of the due process rights to which he or she would be entitled if the youth were an adult, the secretary finds that a youth has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; and (d) imposition of a period of partial confinement not to exceed thirty days.

(4) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

NEW SECTION. Sec. 71. Whenever legal custody of a child is vested in someone other than his or her parents, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child after the decree is entered. If the parent or other legally obligated person wilfully fails or refuses to pay such sum, the court may proceed against such person for contempt.

NEW SECTION. Sec. 72. (1) Dispositions reviewed pursuant to section 66 of this 1977 amendatory act shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs shall be required and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered

within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, or which imposes confinement for a minor or first offender, the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range, or nonconfinement for a minor or first offender, would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection 2(a) of this section it shall remand the case for disposition within the standard range or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter.

(4) If the court finds subsection 2(a) but not subsection 2(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) Pending appeal, a respondent shall not be committed or detained for a period of time in excess of the standard range for the offense(s) committed and shall not be detained if a first or minor offender: PROVIDED, That if the order of the disposition court is below the standard range, the respondent shall be committed or detained for no longer than the term set by the disposition court.

(6) Dispositions imposed by the disposition court shall not be final until either the deadline for appeal pursuant to state law or supreme court rule has passed without an appeal being taken, or the court of appeals has issued its decision on the appeal.

NEW SECTION. Sec. 73. All references to juvenile delinquents or juvenile delinquency in other chapters of the Revised Code of Washington shall be construed as meaning juvenile offenders or the commitment of an offense by juveniles as defined by this chapter.

NEW SECTION. Sec. 74. (1) There is appropriated for the period July 1, 1978, to June 30, 1979, from the general fund nine hundred eighty-three thousand six hundred dollars to be allocated to counties for the cost of operating diversion units as required by this chapter.

(2) The secretary shall administer the funds and shall promulgate, pursuant to chapter 34.04 RCW, rules establishing a planning process and standards which meet the intent of this chapter. The secretary shall also monitor and evaluate, against established standards, all programs and services funded by this appropriation.

(3) The total sum shall be allocated by the secretary to the counties. Diversion units funded by this section shall be administered and operated separately from the court: PROVIDED, That counties of classes other than AA and A may request for an exemption from this requirement. The secretary may grant such exemption if it is clearly demonstrated that resources do not exist nor can be established in such county to operate diversion units separately from the court.

(4) In meeting the requirements of this chapter, there shall be a maintenance of effort whereby counties shall exhaust existing resources prior to the utilization of funds appropriated by this section.

(5) It is the intent of the legislature that these funds shall be the maximum amount necessary to meet the requirement of this chapter for the stated period. Courts shall be required to provide diversion programs and services to the extent made possible by available sources. In addressing diverted youths, a resource priority continuum shall be developed whereby the highest priority in resource allocation shall be given to diverted youths who have inflicted bodily harm while the lowest priority shall be given to diverting youths who have committed victimless crimes or minor property offenses.

NEW SECTION. Sec. 75. Sections 51 through 73 of this 1977 amendatory act shall constitute a new chapter in Title 13 RCW. RCW 13.04.260 is hereby decodified and shall be recodified as part of that new chapter.

NEW SECTION. Sec. 76. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 160, Laws of 1913, section 1, chapter 302, Laws of 1961 and RCW 13.04.010;
- (2) Section 2, chapter 302, Laws of 1961, section 1, chapter 101, Laws of 1973 1st ex. sess. and RCW 13.04.053;
- (3) Section 3, chapter 302, Laws of 1961 and RCW 13.04.056;
- (4) Section 6, chapter 302, Laws of 1961, section 1, chapter 137, Laws of 1967, section 2, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 13.04.095;
- (5) Section 9, chapter 160, Laws of 1913 and RCW 13.04.110;
- (6) Section 12, chapter 160, Laws of 1913, section 1, chapter 132, Laws of 1945, section 1, chapter 58, Laws of 1959 and RCW 13.04.120;
- (7) Section 14, chapter 160, Laws of 1913 and RCW 13.04.140;
- (8) Section 1, chapter 116, Laws of 1953 and RCW 13.04.170;
- (9) Section 10, chapter 302, Laws of 1961 and RCW 13.04.190;
- (10) Section 4, chapter 297, Laws of 1957, section 2, chapter 251, Laws of 1959, section 12, chapter 302, Laws of 1961 and RCW 13.04.200;
- (11) Section 13, chapter 302, Laws of 1961 and RCW 13.04.210;
- (12) Section 14, chapter 302, Laws of 1961, section 54, chapter 81, Laws of 1971 and RCW 13.04.220;
- (13) Section 15, chapter 302, Laws of 1961 and RCW 13.04.230; and
- (14) Section 1, chapter 93, Laws of 1967 and RCW 13.04.250.

NEW SECTION. Sec. 77. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 78. Section 53 of this 1977 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions, and shall take effect on July 1, 1977. The remainder of this 1977 amendatory act shall take effect on July 1, 1978."

On page 1, on line 1 of the title after "juveniles;" strike the remainder of the title and insert "amending section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 65, Laws of 1937 and RCW 13.04.030; amending section 3, chapter 160, Laws of 1913 as last amended by section 9, chapter 331, Laws of 1959 and RCW 13.04.040; amending section 3, chapter 30, Laws of 1965 as last amended by section 3, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.020; amending section 17, chapter 172, Laws of 1967 as last amended by section 4, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 74.13.031; amending section 5, chapter 160, Laws of 1913 and RCW 13.04.060; amending section 6, chapter 160, Laws of 1913 and RCW 13.04.070; amending section 7, chapter 160, Laws of 1913 as amended by section 4, chapter 302, Laws of 1961 and RCW 13.04.080; amending section 5, chapter 302, Laws of 1961 and RCW 13.04.091; amending section 15, chapter 160, Laws of 1913 and RCW 13.04.150; amending section 8, chapter 160, Laws of 1913 as last amended by section 1, chapter 138, Laws of 1969 ex. sess. and RCW 13.04.100; amending section 1, chapter 188, Laws of 1955 as amended by section 8, chapter 302, Laws of 1961 and RCW 13.04.105; amending section 5, chapter 13, Laws of 1965 as last amended by section 5, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.050; amending section 28A.27.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.070; adding new chapters to Title 13 RCW; adding new sections to chapter 13.04 RCW; creating new sections; repealing section 1, chapter 160, Laws of 1913, section 1, chapter 302, Laws of 1961 and RCW 13.04.010; repealing section 2, chapter 302, Laws of 1961, section 1, chapter

101, Laws of 1973 1st ex. sess. and RCW 13.04.053; repealing section 3, chapter 302, Laws of 1961 and RCW 13.04.056; repealing section 6, chapter 302, Laws of 1961, section 1, chapter 137, Laws of 1967, section 2, chapter 71, Laws of 1975-'76 2nd ex. sess. and RCW 13.04.095; repealing section 9, chapter 160, Laws of 1913 and RCW 13.04.110; repealing section 12, chapter 160, Laws of 1913, section 1, chapter 132, Laws of 1945, section 1, chapter 58, Laws of 1959 and RCW 13.04.120; repealing section 14, chapter 160, Laws of 1913 and RCW 13.04.140; repealing section 1, chapter 116, Laws of 1953 and RCW 13.04.170; repealing section 10, chapter 302, Laws of 1961 and RCW 13.04.190; repealing section 4, chapter 297, Laws of 1957, section 2, chapter 251, Laws of 1959, section 12, chapter 302, Laws of 1961 and RCW 13.04.200; repealing section 13, chapter 302, Laws of 1961 and RCW 13.04.210; repealing section 14, chapter 302, Laws of 1961, section 54, chapter 81, Laws of 1971 and RCW 13.04.220; repealing section 15, chapter 302, Laws of 1961 and RCW 13.04.230; repealing section 1, chapter 93, Laws of 1967 and RCW 13.04.250; prescribing penalties; making an appropriation; declaring an emergency; and providing effective dates."

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Jones, Woody.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment.

Senator Rasmussen moved Engrossed Third Substitute House Bill No. 371, together with the committee amendment moved for adoption by Senator Francis, be held on the second reading calendar for June 1, 1977.

Debate ensued.

POINT OF ORDER

Senator Hayner: "Mr. President, if we are going to hold this to tomorrow, I would like to raise the question of scope and object as well. The bill that came over from the House was just a bill dealing with delinquency. The Senate amendment changed that substantially and hung on provisions dealing generally with children—or juveniles. It also deals with abused and neglected children. It deals with families in conflict. It deals with the press, whether or not the press can be at these trials. There are a lot of questions in there, and I do not believe that that bill is sufficiently broad to include all of these things. As a matter of fact, there is even a provision at the end of it to change the title amendment, so I would raise the question of scope and object."

REMARKS BY SENATOR WOODY

Senator Woody: "Mr. Chairman, in response to the issue of scope and object, number one, since this is a complicated area, I would not mind at all if you reserve your decision upon that objection until tomorrow.

"I would also state however, that the entire amendment deals with children and both as to whether they are dependents or delinquents, and in juvenile court they do not treat these people at the present time differently. They house them the same place. They deal with them in the same manner so far as due process and trial. There is absolutely no difference at the present time nor under the amendment that we have right now in a sense of how the court handles children."

The motion by Senator Rasmussen carried. Engrossed Third Substitute House Bill No. 371 was ordered held for the second reading calendar on June 1, 1977.

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

MESSAGE FROM THE HOUSE

May 31, 1977.

Mr. President: The Speaker has signed:
 HOUSE BILL NO. 150,
 HOUSE BILL NO. 338,
 HOUSE BILL NO. 382,
 SUBSTITUTE HOUSE BILL NO. 387,
 HOUSE BILL NO. 438,
 HOUSE BILL NO. 1260,
 HOUSE BILL NO. 1262,
 HOUSE BILL NO. 1263,
 SUBSTITUTE HOUSE BILL NO. 1266,
 HOUSE JOINT RESOLUTION NO. 55,
 HOUSE JOINT RESOLUTION NO. 56,
 HOUSE JOINT RESOLUTION NO. 57, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 150,
 HOUSE BILL NO. 338,
 HOUSE BILL NO. 382,
 SUBSTITUTE HOUSE BILL NO. 387,
 HOUSE BILL NO. 438,
 HOUSE BILL NO. 1260,
 HOUSE BILL NO. 1262,
 HOUSE BILL NO. 1263,
 SUBSTITUTE HOUSE BILL NO. 1266,
 HOUSE JOINT RESOLUTION NO. 55,
 HOUSE JOINT RESOLUTION NO. 56,
 HOUSE JOINT RESOLUTION NO. 57.

MOTION

At 1:55 p.m., on motion of Senator Marsh, the Senate recessed until 3:17 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:17 p.m.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 866.

MOTION

On motion of Senator Jones, Senator Murray was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 866, by Committee on Appropriations (originally sponsored by Representatives Sommers, Blair, Shinpoch, Wilson, Patterson, Hansen, Gilleland and Charnley):

Establishing a revised teachers' retirement system.

REPORT OF STANDING COMMITTEE

May 16, 1977.

SUBSTITUTE HOUSE BILL NO. 866, establishing a revised teachers' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. APPLICATION TO CERTAIN PERSONS. Sections 2 through 14 of this 1977 amendatory act shall, on or after July 1, 1977, apply only to:

- (1) Those persons who are initially employed by an employer; or
- (2) Those members who have transferred pursuant to section 15 of this 1977 amendatory act.

NEW SECTION. Sec. 2. COMPUTATION OF THE RETIREMENT ALLOWANCE. A member of the retirement system shall receive a retirement allowance equal to one and one-half percent of such member's average final compensation for each year of service.

NEW SECTION. Sec. 3. RETIREMENT FOR SERVICE. (1) NORMAL RETIREMENT. Any member with five or more years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 2 of this 1977 amendatory act.

(2) **EARLY RETIREMENT.** Any member who has completed at least five years of service and attained age sixty-two shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 2 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. Sec. 4. POST-RETIREMENT COST-OF-LIVING. Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
- (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
- (3) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (4) The percentage amount when index B is divided by index A.

The percentage obtained, if any, shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed six percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than six percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 5. EMPLOYER AND MEMBER CONTRIBUTIONS. The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary; PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.401.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the cost of amortizing the unfunded supplemental present value of that portion of the retirement system, as in effect on June 30, 1977, shall be borne in full by the employers.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute four and eight-tenths percent of earnable compensation: PROVIDED, That employers shall initially contribute an additional five and eight-tenths percent of earnable compensation per member to fund the cost of amortizing that portion of the unfunded supplemental present value of the retirement system as in effect on June 30, 1977.

NEW SECTION. Sec. 6. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES. Upon retirement for service as prescribed in section 3 of this 1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) OPTION 1. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

NEW SECTION. Sec. 7. DISABILITY. Members of the retirement system shall receive disability benefits pursuant to Title 51 RCW and insurance benefits provided in whole or in part by employers.

NEW SECTION. Sec. 8. APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES. Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 3 or 10 of this 1977 amendatory act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 3 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 3 of this 1977 amendatory act, shall accrue from the first day of the calendar month immediately following such qualification.

(3) Retirement allowances paid as death benefits under the provisions of section 10 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 9. SUSPENSION OF RETIREMENT ALLOWANCE UPON EMPLOYMENT. No retiree under the provisions of sections 2 through 14 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance if such retiree enters service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

NEW SECTION. Sec. 10. DEATH BENEFITS. (1) Upon the death of a member who is not eligible for a retirement allowance pursuant to section 3 of this 1977 amendatory act, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) Upon the death of a member who is eligible for retirement the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 3(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 6 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 3(2) of this 1977 amendatory act. If a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority. If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share, alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

NEW SECTION. Sec. 11. SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE. A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 14 of this 1977 amendatory act.

A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence

within five years of resumption of service or prior to retirement whichever comes sooner. The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid authorized leave of absence and may receive up to two years of service credit upon compliance with the conditions imposed by this section.

NEW SECTION. Sec. 12. VESTED MEMBERSHIP. A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 3 of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 13. REFUND OF CONTRIBUTIONS. A member who ceases to be an employee of an employer may request a refund of the member's accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, initial payment shall be made within thirty days of receipt of request for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all rights to benefits under the provisions of sections 2 through 14 of this 1977 amendatory act.

NEW SECTION. Sec. 14. REENTRY. A member, who as a previous member had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores the lesser of:

(1) All withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department; or

(2) The contributions which would have been required for such service pursuant to section 5 of this 1977 amendatory act plus interest thereon as determined by the department.

The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

NEW SECTION. Sec. 15. TRANSFER. (1) Members of the system who established membership on or before June 30, 1977, may irrevocably elect to be covered by sections 2 through 14 of this 1977 amendatory act. Such election shall be held pursuant to rules adopted by the department.

(2) Upon electing to be governed by sections 2 through 14 of this 1977 amendatory act, the member shall:

(a) Be subject to the membership provisions and benefit accrual provided for in sections 2 through 14 of this 1977 amendatory act; and

(b) Receive a refund of that portion of accumulated member contributions that represents the difference between the contribution required by section 5 of this 1977 amendatory act and RCW 41.32.350.

(3) The department shall provide each member eligible to make the election under this section with information which:

(a) Notifies the member of the election provision;

(b) Provides a comparison of system benefits; and

(c) Describes the potential refund available.

(4) The provisions of this section shall terminate on June 30, 1982.

NEW SECTION. Sec. 16. DUTIES OF PAYROLL OFFICER. The person responsible for making up the payroll shall transmit promptly to the department at the end of each and every payroll period, or other period designated by the director, a copy of the original payroll voucher or such other payroll report as the department

may require showing thereon all deductions for contributions for the teachers' retirement system made from the earnable compensation of a member of the teachers' retirement system. Warrants or checks covering the total of such deductions shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends. The department shall place such moneys into the proper funds established in this chapter.

Sec. 17. Section 1, chapter 80, Laws of 1947 as last amended by section 149, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.010 are each amended to read as follows:

DEFINITIONS. As used in this chapter, unless a different meaning is plainly required by the context:

(1) (a) "Accumulated contributions" for persons who establish membership in the retirement system on or before June 30, 1977, means the sum of all regular annuity contributions with regular interest thereon less cost of operation.

(b) "Accumulated contributions" for persons who establish membership in the retirement system on or after July 1, 1977, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) (a) "Beneficiary" for persons who establish membership in the retirement system on or before June 30, 1977, means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after July 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

(11) (a) "Earnable compensation" for persons who establish membership in the retirement system on or before June 30, 1977, means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered (~~during a fiscal year~~). In all cases where compensation includes maintenance the (~~board of trustees~~) director shall fix the value of that part of the compensation not paid in money: **PROVIDED**, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the

state legislature for five or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(b) "Earnable compensation" for persons who establish membership in the retirement system on or after July 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, but shall exclude payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service: PROVIDED, That in any year in which a member serves in the legislature such member's earnable compensation shall be the greater of:

(i) The earnable compensation the member would have received had such member not served in the legislature; or

(ii) Such member's actual earnable compensation received for teaching and legislative service combined; any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund. This subsection shall apply only to persons who establish membership in the retirement system on or before June 20, 1977.

(17) "Member" for persons who establish membership in the retirement system on or after July 1, 1977, means any teacher who becomes employed by an employer on or after July 1, 1977.

(18) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

~~((+8))~~ (19) "Pension" means the moneys payable per year during life from the pension fund.

~~((+9))~~ (20) "Pension fund" means a fund from which all pension obligations are to be paid.

~~((+20))~~ (21) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

~~((+21))~~ (22) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

~~((22))~~ (23) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

~~((23))~~ (24) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

~~((24))~~ (25) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before June 30, 1977.

~~((25))~~ (26) "Regular interest" means ~~((the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees))~~ such rate as the department may determine.

~~((26))~~ (27) (a) "Retirement allowance" for persons who establish membership in the retirement system on or before June 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for persons who establish membership in the retirement system on or after July 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

~~((27))~~ (28) "Retirement system" means the Washington state teachers' retirement system.

~~((28))~~ (29) (a) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(b) "Service" for persons who establish membership in the retirement system on or after July 1, 1977, means periods of employment by a member for one or more employers for which earnable compensation is earned for seventy or more hours per calendar month. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Members shall receive twelve months of service for each contract year or school year of employment.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

If a member receives earnable compensation from two or more employers during any year such member shall receive a total of not more than twelve months of service for such year.

~~((29))~~ (30) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before June 30, 1977.

~~((30))~~ (31) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, educational service district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(32) "Average final compensation" for persons who establish membership in the retirement system on or after July 1, 1977, means the member's average earnable compensation of the highest sixty consecutive contract or school months of service

prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(33) "Retiree" for persons who establish membership in the retirement system on or after July 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(34) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(35) "Director" means the director of the department.

(36) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(37) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

NEW SECTION. Sec. 18. There is added to chapter 41.32 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to those persons who establish membership in the retirement system on or before June 30, 1977: RCW 41.32.250, 41.32.260, 41.32.270, 41.32.280, 41.32.290, 41.32.300, 41.32.310, 41.32.320, 41.32.330, 41.32.340, 41.32.350, 41.32.360, 41.32.365, 41.32.366, 41.32.380, 41.32.390, 41.32.430, 41.32.440, 41.32.470, 41.32.480, 41.32.491, 41.32.492, 41.32.493, 41.32.4931, 41.32.4932, 41.32.494, 41.32.4943, 41.32.4944, 41.32.4945, 41.32.497, 41.32.498, 41.32.4982, 41.32.4983, 41.32.499 except as provided in section 4 of this 1977 amendatory act, 41.32.500, 41.32.510, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.540, 41.32.550, 41.32.560, 41.32.561, 41.32.565, 41.32.567, 41.32.570, and 41.32.583.

NEW SECTION. Sec. 19. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

NEW SECTION. Sec. 20. Sections 1 through 16 of this 1977 amendatory act shall be added to chapter 41.32 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

NEW SECTION. Sec. 21. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Sandison, Scott.

The bill was read the second time by sections.

Senator Marsh moved adoption of the committee amendment.

Senator Mardesich moved adoption of the following amendments to the committee amendment:

On page 1, following line 5, insert a new section as follows:

"NEW SECTION. Section 1. LEGISLATIVE FINDING. It is the legislative finding that those employees who are presently members of the teachers' retirement system may retain membership in this retirement system or may transfer into the parallel retirement system created by this act but in no instance shall there be any diminishment or loss of benefits or rights, whether current or prospective, of those employees who retain their membership in the teachers' retirement system and who were first employed on or before June 30, 1977."

Renumber the remaining sections consecutively.

On page 1, line 7, strike "2 through 14" and insert "3 through 15"

On page 1, line 13, strike "15" and insert "16"

POINT OF INQUIRY

Senator Clarke: "Would Senator Mardesich yield? Senator, I understand the intent of your amendment, and just to avoid any possible misunderstanding, it is not contemplated that anyone currently within the present system may voluntarily shift to the new system and still retain the benefits of the old system?"

Senator Mardesich: "I think that is clarified under the section that you can shift if when you do, you give up your rights under the present system."

Senator Clarke: "I assumed so, but I just wanted to be certain that that was the intent."

Senator Mardesich: "That is correct. That is the intent."

The motion by Senator Mardesich carried and the amendments to the committee amendment were adopted.

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

Senator Mardesich moved the rules be suspended, Substitute House Bill No. 866, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

MOTION FOR RECONSIDERATION

Senator Grant moved the Senate reconsider the vote by which the committee amendment, as amended, was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Walgren, the Senate moved to reconsider the vote by which the committee amendment, as amended, to Substitute House Bill No. 866 was adopted.

The President declared the question before the Senate to be adoption of the committee amendment, as amended, on reconsideration.

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Marsh yield? You are talking about people at sixty-five, or fifty-two, being tired? Is that what you said?"

Senator Marsh: "Senator Grant and Senator Ridder and some others have referred to 'tired teachers' at age fifty-two."

Senator Woody: "Tired?"

Senator Marsh: "Tired."

Senator Woody: "I wish that had happened to my mother. She is a retired teacher, and sixty-nine, and she is driving down between here and California in that Volkswagen bus, and I hope she tires a little bit, now that she is retired. That would keep her at home."

Senator Marsh: "I personally believe, Senator Woody, that most teachers at age fifty-two, to use the words of Senator Ridder, are quite vigorous and quite capable and able to teach much longer."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Marsh yield to a question? Senator Marsh, I too, didn't hear any remarks about fifty-two here. The remark was that the House version was much more acceptable with retiring at age sixty with thirty years

of service, leaving it optional if they wanted to leave the service, and what my question is, this provides for a flexible cost on the contributions, 'members contributions required by this section shall be thus and so forth. Objectors shall notify the retirement board of any pending adjustment in the required contribution rate. Such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.' Is it your understanding that there will be no reduction of benefits, but that the cost may be apportioned upwards or downwards?"

Senator Marsh: "It is my understanding that if the systems require additional contribution, and the bill so provides, that the contribution rate will be adjusted upward and that that upward adjustment will bear equally on the employer and among the employees."

Senator Rasmussen: "What about benefits? A person starting in July 1, '77 could be assured that he would receive the benefits as stated in the policy that he gets the day he goes to work, but it may cost him more?"

Senator Marsh: "He will get at least the same level of benefits. It may cost him more. The contract that we propose to enter into with the employees after July 1 of '77 would be to require the employee and the employer to equally finance those benefits. We will guarantee the level of benefits, but will say if the cost increases the increased cost will be shared by both."

Senator Rasmussen: "Another question. You are proposing 5.80, or 4.80, and the House is proposing six point percent deductions. What percentage of the 4.80 is related to the 6 percent cost of living? What percentage does it take to finance that out of the total deductions?"

Senator Marsh: "I frankly do not know the answer to that. I do know that if we did not provide for a six percent cost of living we would have a saving of five hundred sixty-two million dollars over a twenty year period. With the six percent cost of living, we have a saving of three hundred fifty-four million dollars, so I could tell you in terms of dollars over a twenty year period. It is going to cost us a little more than one third of a billion dollars to provide up to six percent cost of living. I do not have the percentage figures adjusted. I have just been furnished with the actuary's figures. The employee rate that is required without a six percent cost of living is 3.331 percent. That is 3.31 percent. With a six percent cost of living, the employee rate must be 4.8, so it is a difference between 4.8 and 3.31, roughly one and one-half percent."

Senator Rasmussen: "Is that the new actuary's figures?"

Senator Marsh: "Yes, it is."

Senator Rasmussen: "Thank you. I still think that the House version of the bill is better. It is wrapped in there, of course, when you speak about unfunded liability. It is wrapped in there the four years out of state credit that they have been granting all these years which is eliminated in the new bill. I further think that to guarantee a six percent cost of living increase is nebulous because you do not need that much. Along with the social security a three percent would handle it, and you could cut the one and one-half percent figure in half and apply that to the early retirement which many people will not make use of, but they would like to have that option there."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained by Senators Walgren, Guess, Talley, Washington, Herr, Jones, Sellar, Ridder and Hayner.

The President declared the question before the Senate to be the roll call on adoption of the committee amendment, as amended, on reconsideration, to Substitute House Bill No. 866.

ROLL CALL

The Secretary called the roll and the committee amendment, as amended, on reconsideration, was adopted by the following vote: Yeas, 27; nays, 19; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Sandison, Scott, Sellar, Van Hollebeke, Wanamaker, Woody—27.

Voting nay: Senators Bausch, Beck, Fleming, Francis, Gaspard, Grant, Herr, Keefe, McDermott, Monohon, Odegaard, Rasmussen, Ridder, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—19.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Murray—1.

The motion by Senator Mardesich carried and Substitute House Bill No. 866, as amended by the Senate, was advanced to third reading and final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 866, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 19; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Sandison, Scott, Sellar, Van Hollebeke, Wanamaker, Woody—27.

Voting nay: Senators Bausch, Beck, Fleming, Francis, Gaspard, Grant, Herr, Keefe, McDermott, Monohon, Odegaard, Rasmussen, Ridder, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—19.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Murray—1.

SUBSTITUTE HOUSE BILL NO. 866, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 866, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

At 4:25 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, June 1, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, June 1, 1977.

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

The Color Guard, consisting of Pages Michael Cummings and Susan Hall, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"THE FOLLOWING PRAYER IS BY AN AUTHOR UNKNOWN:

"VAST GOD, AS WITH EACH BREATH WE HAVE NEED OF THEE, REMIND US THAT WE HAVE NEED OF ONE ANOTHER; THAT WE HAVE NEED OF A GREAT VISION WHEREBY THIS MARVELOUS, CHAOTIC, DREAMING STATE OF WASHINGTON COMES TRUE IN OUR FLESH, WE CONFESS THAT WE HAVE FORGOTTEN OUR CREATOR, GOD. WE HAVE BECOME SELF-CENTERED AND COMPLACENT ABOUT THE RIGHTS, THE NEEDS, AND THE JUSTICE OF OUR NEIGHBORS AND WE HAVE LOST THE ABILITY TO DREAM THE GREAT DREAM FOR AMERICA, AND TO HOPE THE GREAT HOPE IN OUR LORD. WE ASK YOUR FORGIVENESS. TEACH US AGAIN TO FORGIVE ONE ANOTHER, FOR WE ARE HUMAN BEINGS, NOT GODS. TEACH US ANEW THAT IT MEANS TO HONOR ALL PEOPLE. BROOD AMONG US DAILY AND HOURLY, AND AMONG THE VARIOUS PEOPLE OF THIS STATE. CONTINUE IN US THE UNITY WHICH ARISES OUT OF PATIENCE WITH ONE ANOTHER'S DIFFERENCES. INSTRUCT US IN THE GENEROUS IMPULSES WHICH ADVANCE THE COMMON GOOD. UNTO YOU, OUR CREATOR, AND OUR SAVIOR, WE WILL GIVE PRAISE AND HONOR AND JOY, FOR OUR PERSONAL FAITH AND FOR THE LIFE OF OUR STATE. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 31, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 31, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2081: Creating warrant server positions for municipal courts of large cities.

SENATE BILL NO. 2200: Creating a resource management land bank.

SENATE BILL NO. 2288: Regulating the conduct of various censuses.

SUBSTITUTE SENATE BILL NO. 2399: Making the day before a legal holiday which falls on Saturday a holiday.

SENATE BILL NO. 3004: Adding three members to the judicial council.

SENATE BILL NO. 3058: Authorizing coverage of volunteer law enforcement officers under the industrial insurance laws.

SENATE BILL NO. 2400: Changing the name of the office of program planning and fiscal management to the office of fiscal management.

SENATE BILL NO. 2408: Establishing a charge for pamphlets of liquor regulations.

SUBSTITUTE SENATE BILL NO. 2489: Revising the procedures by which a PUD may contract for certain purchases.

SUBSTITUTE SENATE BILL NO. 2565: Transferring UCC duties from the secretary of state to the department of motor vehicles.

SUBSTITUTE SENATE BILL NO. 2591: Relating to postsecondary education.

SUBSTITUTE SENATE BILL NO. 2619: Relating to irrigation projects.

SENATE BILL NO. 2831: Making changes in the RCW code to reflect other laws relating to education.

SENATE BILL NO. 2868: Providing for new boards of commissioners for merged fire districts.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

May 31, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 31, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 70, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 31, 1977.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 417, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 31, 1977.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 286, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, by Committee on Energy and Utilities (originally sponsored by Representatives Smith, Zimmerman, Thompson, Lee, Shinpoch, Haley, McKibbin, Charnley, Becker, Hanna, Taller, Clemente, Chandler, Sherman, North, Charette, Hurley (Margaret), Blair,

Douthwaite, Lux, Salatino, Burns, Sommers, Nelson (Dick), Hurley (George), Bauer and Knedlik):

Limiting marine bulk petroleum shipment transfer facilities.
Referred to Committee on Energy and Utilities.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 625.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 625, by Committee on Financial Institutions (originally sponsored by Representatives Becker, Polk, Bauer, Gaines, Lux, Hanna, Conner, Salatino, Eng, Maxie, Keller, Kreidler, McKibbin, Nelson (Gary) and Williams):

Authorizing the establishment and operation of a central credit union.

REPORT OF STANDING COMMITTEE

May 2, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 625, authorizing the establishment and operation of a central credit union (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 1 strike all of new section 2 and renumber the remaining sections consecutively.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Mardesich.

The bill was read the second time by sections.

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

On motion of Senator Clarke, the rules were suspended, Engrossed Substitute House Bill No. 625, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 625, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 7; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn—38.

Absent or not voting: Senators Benitz, Bottiger, Guess, Keefe, Lewis, Matson, Washington—7.

Excused: Senators Francis, McDermott, Woody—3.

ENGROSSED HOUSE BILL NO. 625, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 627.

SECOND READING

ENGROSSED HOUSE BILL NO. 627, by Representatives Schmitt, Hansen, Flanagan and Toller:

Authorizing irrigation districts to merge existing sewer districts.

REPORT OF STANDING COMMITTEE

April 29, 1977.

ENGROSSED HOUSE BILL NO. 627, authorizing irrigation districts to merge existing sewer districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 13 with "Any" delete all the material down to and including the period on line 16 and insert:

"The procedure and provisions of RCW 85.08.830 through 85.08.890, which are applicable to drainage improvement districts, joint drainage improvement districts, or consolidated drainage improvement districts which desire to merge into an irrigation district, shall also apply to sewer districts organized, or reorganized, under this title which desire to merge into irrigation districts."

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

The bill was read the second time by sections.

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

On motion of Senator Sellar, the rules were suspended, Engrossed House Bill No. 627, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 627, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Francis, McDermott, Woody—3.

ENGROSSED HOUSE BILL NO. 627, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1213.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1213, by Committee on Local Government (originally sponsored by Representative Bender):

Authorizing housing authorities to purchase mortgage loans.

REPORT OF STANDING COMMITTEE

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 1213, authorizing housing authorities to purchase mortgage loans (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 17, beginning with "2" strike everything down to and including "transactions" on line 27.

On page 7, line 4, after "accordance with" strike everything down to and including "States" on line 5 and insert "section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the"

On page 13, line 5, strike all of section 8 and renumber the remaining section accordingly.

On line 10 of the title, beginning with "amending" strike everything down to and including "35.82.210;" on line 11.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendments were adopted.

On motion of Senator Fleming, the following amendments were considered and adopted simultaneously:

On page 9, line 21, after "made" insert "and recorded"

On page 9, line 27, after "thereof." strike all the matter down through "recorded." on line 28 and insert "The resolution and any other instrument by which a pledge is created shall be recorded."

On motion of Senator Fleming, the committee amendment to the title was adopted.

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Fleming or Senator Wilson would yield to a question? I note that the measure provides that the bonds issued by the authority may be sold at public or private sale, and of course, private sale indicates that the sale without bids is a negotiated sale. What is the necessity of that?"

Senator Fleming: "Senator Mardesich, maybe Senator Wilson can answer that question."

(No reply.)

MOTION

On motion of Senator Fleming, Substitute House Bill No. 1213, as amended by the Senate, was ordered held for further consideration later today.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 619.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 619, by Committee on State Government (originally sponsored by Representatives Sommers, Ehlers and Shinpoch) (by State Treasurer request):

Modifying investment authority of the state finance committee.

The bill was read the second time by sections.

Senator Guess moved adoption of the following amendment:

On page 4, strike the material beginning with "~~((g))~~ on line 28 down through and including "~~exchange~~:" on page 5, line 8 and insert:

"(g) The common stock of any corporation concerned is registered on a national securities exchange provided in the "Securities Exchange Act of 1934" as from time to time amended. Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus, and unassigned surplus of at least fifty million dollars.

(iii) Any preferred stock, as well as any convertible bond, debenture or preferred stock.

(iv) The common stock of Washington corporations meeting all the other qualifications except that of being registered on a national exchange."

MOTION

On motion of Senator Rasmussen, Substitute House Bill No. 619, together with the pending amendment by Senator Guess, was ordered held for further consideration after the noon recess.

MOTION

Senator Marsh moved the Senate commence consideration of Substitute House Bill No. 1278.

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 1278 was ordered placed at the end of today's second reading calendar.

MOTION

At 10:35 a.m., on motion of Senator Marsh, the Senate recessed until 12:20 p.m.

NOON SESSION

The President called the Senate to order at 12:20 p.m.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2418,

SENATE BILL NO. 2512,

SUBSTITUTE SENATE BILL NO. 2873,

SUBSTITUTE SENATE BILL NO. 3036.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Second Substitute Senate Bill No. 2040.

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2040, with the following amendments:

On page 2, line 14, strike "assist in providing" and insert "provide"

On page 3, line 4, after "means" insert "preventive,"

On page 3, beginning on line 21, strike "prescribed by the commission" and insert "adopted pursuant to Section 5(1)(a) and Section 7(1) of this 1977 amendatory act"

On page 3, line 22, strike "and approved by the legislature"

On page 5, beginning on line 6, strike ", which shall be adopted on or before December 31, 1978"

On page 7, line 19, after "shall be" beginning with "adopted" strike the remainder of the subsection and insert "proposed by the commission to the legislature no later than December 31, 1978. If the legislature fails to adopt or modify such standards by April 1, 1979, they shall take effect on July 1, 1979 without legislative approval and shall be complied with no later than October 1, 1979. Subsequent standards shall be prescribed by the commission and submitted to the Legislative Budget Committee for review. If the Legislative Budget Committee disapproves such standards, they shall not have effect."

On page 7, line 22, after "section 5" strike "(7)" and insert "(5)"

On page 7, line 24, strike "funds seventy-five percent of" and insert "fully funds"

On page 10, line 29, after "receive" insert "full"

On page 10, line 30, strike "seventy-five percent of"

On page 10, line 33, strike "legislature" and insert "commission"

On page 11, beginning on line 4, strike all of section 12, and renumber the remaining sections consecutively.

On page 11, line 20, after "government" strike the remainder of the section and insert ", subject to biennial legislative appropriation, at the direction of the commission."

On page 36, line 3, strike "fifty" and insert "five-hundred and fifty-one", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Wilson moved the Senate concur in the House amendments to page 2, line 14; page 7, line 24; page 10, line 29 and line 30.

POINT OF INQUIRY

Senator Lewis: "Would Senator Wilson yield to a question, please? Senator Wilson, there has been some concern expressed by some who favored the seventy-five percent originally, some concern that the share of local government in the jail system will have a bearing on the kind of plans they would submit, the kind of jails that might, you know, we mandate certain standards, but if the ratio were 90/10,

there is an argument that has been discussed in our caucus at least that there might be a little better handling, a little more concern on the part of local government about what kind of jails we operate, because they have operating costs, as you say, anyway on this, right? In other words, they are going to pay the operating costs, increased operating costs?"

Senator Wilson: "All operating costs."

Senator Lewis: "All operating costs. But, do you feel that a 90/10 would have any bearing on what kind of jails might be designed and proposed by local government under the state mandate?"

Senator Wilson: "In my opinion, Senator Lewis, the mandated aspects of the jail construction designs mandated by the state are going to be sufficiently significant that local government rarely is going to, on itself, wish to go beyond them because it is going to have plenty of expense of its own involved in the construction or substantial remodeling of any local jail. Beyond that I would suggest that if we begin to deviate from this balanced concept, the state, on construction and local government on operation, it would be fair and reasonable then, to begin to suggest that the state might wish to pick up ten percent or more of the increased operating cost which will be substantially attributable to state mandated performances."

Debate ensued.

Senators Talley, Walgren and Bluechel demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Wilson that the Senate concur in the House amendments to page 2, line 14; page 7, line 24; page 10, line 29 and line 30 to Engrossed Second Substitute Senate Bill No. 2040.

Senator Wilson demanded a roll call and the demand was sustained by Senators Talley, Walgren, Day, North, Wojahn, Scott, Goltz, Marsh and von Reichbauer.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 28; nays, 16; absent or not voting, 3; excused, 1.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Day, Fleming, Gaspard, Gould, Grant, Henry, Keefe, Lewis, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sellar, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Clarke, Donohue, Goltz, Guess, Hayner, Jones, Mardesich, Marsh, Matson, Pullen, Rasmussen, Sandison, Scott, Van Hollebeke, Wanamaker, Woody—16.

Absent or not voting: Senators Benitz, Herr, Newschwander—3.

Excused: Senator Francis—1.

MOTIONS

On motion of Senator Jones, Senators Benitz and Newschwander were excused.

On motion of Senator Wilson, the remaining House amendments to Engrossed Second Substitute Senate Bill No. 2040, with the exception of the amendment to page 36, line 3 were adopted.

Senator Wilson moved that the Senate concur in the House amendment to page 36, line 3.

POINT OF INQUIRY

Senator Donohue: "Would Senator Wilson yield? What was the rationale for

the increase of five hundred thousand dollars above what was agreed upon previously?"

Senator Wilson: "Senator Donohue, I was not a party to the decision which led to injecting fifty thousand dollars into the bill, although I have learned since then that it was put in, partly at least, to keep this as an appropriation bill so that it wouldn't be eliminated by the cutoff. Now, the five hundred and fifty-one thousand dollars is based on a fiscal note related to the anticipated cost of operating the jail commission for a biennium."

Senator Donohue: "Do you have any breakdown data as it pertains to the cost of the five hundred thousand? I know why the fifty was put there, but I want to know why the five hundred thousand was put there."

Senator Wilson: "I have a four-page fiscal note here, Senator Donohue, which contains a rather elaborate breakdown, and I would be glad to supply it to you."

Senator Donohue: "Well, that is normal. They usually break it down so that it comes out even, so that they can justify it."

The motion by Senator Wilson failed and the Senate refused to concur in the House amendment to page 36, line 3, to Engrossed Second Substitute Senate Bill No. 2040, and asks the House to recede therefrom.

MOTION

At 1:03 p.m., on motion of Senator Marsh, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 125,
 SUBSTITUTE HOUSE BILL NO. 153,
 SUBSTITUTE HOUSE BILL NO. 340,
 SUBSTITUTE HOUSE BILL NO. 470,
 HOUSE BILL NO. 559,
 HOUSE BILL NO. 694,
 SUBSTITUTE HOUSE BILL NO. 798,
 HOUSE BILL NO. 828,
 HOUSE BILL NO. 842, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 125,
 SUBSTITUTE HOUSE BILL NO. 153,
 SUBSTITUTE HOUSE BILL NO. 340,
 SUBSTITUTE HOUSE BILL NO. 470,
 HOUSE BILL NO. 559,
 HOUSE BILL NO. 694,
 SUBSTITUTE HOUSE BILL NO. 798,
 HOUSE BILL NO. 828,
 HOUSE BILL NO. 842.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2654.

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2654, with the following amendments:

On page 2, line 10, after "(2)" insert "(a)"

On page 2, beginning on line 17, after "of the" strike all material through "chapter" on line 18, and insert "notice pursuant to subsection (1) of this section"

On page 2, line 20, after "days" strike "(1)" and insert "(i)"

On page 2, line 22, after "or" strike "(2)" and insert "((2)) (ii)"

On page 3, line 2, after "evaluation." insert "(b)"

On page 3, at the beginning of line 6, strike "(1)" and insert "(i)"

On page 3, line 7, after "or" strike "(2)" and insert "(ii)"

On page 5, line 9, after "is" insert "granted.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Washington, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2654, with the exception of the amendment to page 5, line 9, and asks the House to recede therefrom.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2160.

MESSAGE FROM THE HOUSE

May 28, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2160, with the following amendments:

On page 1, line 14, strike ", motor vehicles,"

On page 1, line 16, strike ", motor vehicles,"

On page 2, line 5, strike ", motor vehicles,"

On page 2, line 7, strike ", motor vehicles,", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2160.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2160, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 1.

Voting yeas: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones,

Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—44.

Voting nay: Senator Guess—1.

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

Excused: Senator Francis—1.

ENGROSSED SENATE BILL NO. 2160, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 623.

SECOND READING

HOUSE BILL NO. 623, by Representatives Bauer and Zimmerman:

Exempting capital expenditures of nonprofit water associations from gross income for public utility tax purposes.

The Senate resumed consideration of House Bill No. 623. On May 23, 1977, the following amendment by Senators Rasmussen and Newschwander was moved for adoption by Senator Rasmussen:

On page 2, after line 34, insert the following additional sections:

"NEW SECTION. Sec. 2. The legislature finds and declares that the existing drought conditions and shortage of hydroelectric power have caused severe economic impact on electric utilities and their customers in obtaining sufficient quantities of electric power and energy from other sources, which has or will necessitate the imposition of purchased power surcharge or cost adjustments in addition to the existing rate schedules of such utilities. Because of the drought conditions and shortage of hydroelectric power, which has caused severe economic impact on electric utilities and their customers in obtaining sufficient quantities of electric power and energy from other sources, the legislature further finds that such cost adjustments or surcharge arising out of the increased cost of purchasing necessary power to meet the needs of the electrical utilities and their customers, should not be taxed by the state or any local subdivision thereof.

NEW SECTION. Sec. 3. Notwithstanding any other provision of law, if an economic condition exists as provided in section 2 of this 1977 amendatory act which does necessitate the imposition of purchased power surcharge or cost adjustments in addition to the existing rate schedules charged such utilities, neither the state or any local subdivision thereof shall impose a tax or fee thereon.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 82.16 RCW a new section to read as follows:

In addition to the deductions provided for in RCW 82.16.050 as now or hereafter amended, in computing tax there may be deducted from gross income by persons in the light and power business, the following item: Amounts derived from the sale of electrical energy other than for resale equal to the cost of electrical energy purchased from others, but excluding electrical energy generated by the United States, which for any reporting period under RCW 82.16.070 exceeds the average of the total cost of such purchased electrical energy for the same period in the prior two years, but not to exceed the amount of total additional charge to customers, or other authorized temporary increase in total charge for electrical energy to customers, on account of such purchased electrical energy.

NEW SECTION. Sec. 5. Sections 2 through 4 of this 1977 amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 6. The provisions of sections 2 through 4 of this 1977 amendatory act shall expire on July 1, 1978, and thereafter shall be null and void and of no further force and effect whatsoever."

On May 24, 1977, the following amendment by Senator Bottiger to the amendment by Senators Rasmussen and Newschwander was moved for adoption by Senator Bottiger:

On page 1, line 19, strike "energy from other sources"

Debate ensued.

The motion by Senator Bottiger failed and the amendment to the amendment was not adopted on a rising vote.

There being no objection, the remaining amendments by Senator Bottiger, on the desk of the Secretary of the Senate, to the amendment by Senators Rasmussen and Newschwander, were withdrawn.

There being no objection, the amendments by Senator Mardesich, on the desk of the Secretary of the Senate, to the amendment by Senators Rasmussen and Newschwander, were withdrawn.

Senator Bottiger moved adoption of the following amendment to the amendment by Senators Rasmussen and Newschwander:

On page 1, section 3, line 26, after "3." strike all of the section and insert:

"It is the intent of this section to maintain the level of anticipated state revenues derived from the tax imposed by RCW 88.16, while not allowing tax revenues far in excess of normal revenues due to surcharges or cost adjustments by electric utilities.

In addition to the deductions provided for in RCW 82.16.050, in computing tax there may be deducted from gross income by persons in the light and power business, the following item: amounts derived from the sale of electrical energy other than for resale equal to the cost of electrical energy purchased from others, but excluding electrical energy generated by the United States: PROVIDED, That such deduction shall not cause the tax computed for any reporting period under RCW 82.16.070 to be less than one hundred seventeen percent of the average of the tax computed for the same period in the prior two years."

Debate ensued.

The motion by Senator Bottiger failed and the amendment to the amendment was not adopted on a rising vote.

The motion by Senator Rasmussen carried and the amendment by Senators Rasmussen and Newschwander was adopted.

On motion of Senator Rasmussen, the following amendments to the title were adopted:

In line 1 of the title, after "taxation;" strike "and"

In line 3 of the title, after "82.16.050" insert "; adding a new section to chapter 15, Laws of 1961 and to chapter 82.16 RCW; creating new sections; declaring an emergency; and prescribing an expiration date"

On motion of Senator Henry, the rules were suspended, House Bill No. 623, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 623, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Buffington, Clarke, Day, Donohue, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker—31.

Voting nay: Senators Bottiger, Fleming, Gaspard, Goltz, Grant, Herr, McDermott, Monohon, Odegaard, Ridder, Van Hollebeke, Washington, Wilson, Wojahn, Woody—15.

Absent or not voting: Senator Bluechel—1.

Excused: Senator Francis—1.

HOUSE BILL NO. 623, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:45 p.m., on motion of Senator Marsh, the Senate recessed until 3:50 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:50 p.m.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 865.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 865, by Committee on Appropriations (originally sponsored by Representatives Sommers, Blair, Shinpoch, Wilson, Patterson, Hansen, Gilleland and Charnley):

Establishing a revised public employees' retirement system.

REPORT OF STANDING COMMITTEE

May 16, 1977.

SUBSTITUTE HOUSE BILL NO. 865, establishing a revised public employees' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. APPLICATION TO CERTAIN PERSONS.

Sections 2 through 14 of this 1977 amendatory act shall, on or after July 1, 1977, apply only to:

(1) Those persons who are initially employed by an employer; or

(2) Those members who have transferred pursuant to section 15 of this 1977 amendatory act.

NEW SECTION. Sec. 2. COMPUTATION OF THE RETIREMENT ALLOWANCE. A member of the retirement system shall receive a retirement allowance equal to one and one-half percent of such member's average final compensation for each year of service.

NEW SECTION. Sec. 3. RETIREMENT FOR SERVICE. (1) NORMAL RETIREMENT. Any member with five or more years of service who has attained

at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 2 of this 1977 amendatory act.

(2) **EARLY RETIREMENT.** Any member who has completed at least five years of service and has attained age sixty-two shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 2 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. Sec. 4. POST-RETIREMENT COST-OF-LIVING. Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
- (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
- (3) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (4) The percentage amount when index B is divided by index A.

The percentage obtained, if any, shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed six percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than six percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 5. EMPLOYER AND MEMBER CONTRIBUTIONS. The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: **PROVIDED**, That the cost of amortizing the unfunded supplemental present value of that portion of the retirement system as in effect on June 30, 1977, shall be borne in full by the employers.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute four and three-fourths percent of compensation earnable: **PROVIDED**, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to fund the cost of amortizing the unfunded supplemental present value of the retirement system as in effect on June 30, 1977.

NEW SECTION. Sec. 6. **OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES.** Upon retirement for service as prescribed in section 3 of this 1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

NEW SECTION. Sec. 7. **DISABILITY.** Members of the retirement system shall receive disability benefits pursuant to Title 51 RCW and insurance benefits provided in whole or in part by employers.

NEW SECTION. Sec. 8. **APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES.** Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 3 or 10 of this 1977 amendatory act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 3 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 3 of this 1977 amendatory act, shall accrue from the first day of the calendar month immediately following such qualification.

(3) Retirement allowances paid as death benefits under the provisions of section 10 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 9. **SUSPENSION OF RETIREMENT ALLOWANCE UPON EMPLOYMENT.** No retiree under the provisions of sections 2 through 14 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance if such retiree enters service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

NEW SECTION. Sec. 10. **DEATH BENEFITS.** (1) Upon the death of a member who is not eligible for a retirement allowance pursuant to section 3 of this

1977 amendatory act the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) Upon the death of a member who is eligible for retirement, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 3(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 6 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 3(2) of this 1977 amendatory act. If a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority. If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike, calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

NEW SECTION. Sec. 11. SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE. A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 14 of this 1977 amendatory act.

A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the employer and member contributions plus interest as determined by the director for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner. The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid authorized leave of absence and may receive up to two years of service credit upon compliance with the conditions imposed by this section.

NEW SECTION. Sec. 12. VESTED MEMBERSHIP. A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 3 of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 13. REFUND OF CONTRIBUTIONS. A member who ceases to be an employee of an employer may request a refund of the member's accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, initial payment shall be made within thirty days of receipt of request for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being

made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all rights to benefits under sections 2 through 14 of this 1977 amendatory act.

NEW SECTION. Sec. 14. REENTRY. A member, who as a previous member had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores the lesser of:

(1) All withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department; or

(2) The contributions which would have been required for such service pursuant to section 5 of this 1977 amendatory act plus interest thereon as determined by the department.

The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

NEW SECTION. Sec. 15. TRANSFER. (1) Members of the system who established membership on or before June 30, 1977, may irrevocably elect to be covered by sections 2 through 14 of this 1977 amendatory act. Such election shall be held pursuant to rules adopted by the department.

(2) Upon electing to be governed by sections 2 through 14 of this 1977 amendatory act, the member shall:

(a) Be subject to the membership provisions and benefit accrual provided for in sections 2 through 14 of this 1977 amendatory act; and

(b) Receive a refund of that portion of accumulated member contributions that represents the difference between the contribution required by section 5 of this 1977 amendatory act and RCW 41.40.330.

(3) The department shall provide each member eligible to make the election under this section with information which:

(a) Notifies the member of the election provision;

(b) Provides a comparison of system benefits; and

(c) Describes the potential refund available.

(4) The provisions of this section shall terminate on June 30, 1982.

Sec. 16. Section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010 are each amended to read as follows:

TERMS DEFINED. As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) (a) "Employer" for persons who establish membership in the retirement system on or before June 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 36.70.060 and 35.63.070 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after July 1, 1977, means every branch, department, agency, commission,

board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 36.70.060, 35.63.070, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) "Compensation earnable" for persons who establish membership in the retirement system on or before June 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after July 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, but shall exclude payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service: PROVIDED, That in any year in which a member serves in the legislature such member's compensation earnable shall be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined; any additional contributions to

the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) "Service" for persons who establish membership in the retirement system on or before June 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That where an individual is employed by two employers he shall only receive a total of twelve months of service credit during any calendar year.

(b) "Service" for persons who establish membership in the retirement system on or after July 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for seventy or more hours per calendar month.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

If a member receives compensation earnable from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the retirement board) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1974 of the total amount

of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, 1974, of five percent of such member's salary during said period of probationary service.

(12) (a) "Beneficiary" for persons who establish membership in the retirement system on or before June 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after July 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) "Regular interest" means such rate as the ((retirement board)) department may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in his individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system on or before June 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after July 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

This subsection shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) "Retiree" for persons who establish membership in the retirement system on or after July 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 17. Section 4, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.40.165 are each amended to read as follows:

No person appointed to membership on any committee, board, or commission on or after July 1, 1976, who is compensated for service on such committee, board, or commission for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month: PROVIDED, That on and after July 1, 1977, appointive and elective officials who receive monthly compensation earnable from an employer in an amount equal to or less than seventy times the state minimum hourly wage shall not receive any service credit for such employment.

Sec. 18. Section 35, chapter 274, Laws of 1947 and RCW 41.40.340 are each amended to read as follows:

The deductions from the compensation of members, provided for in RCW 41.40.330 or section 5 of this 1977 amendatory act, shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for in this chapter and shall receipt in full for his salary or compensation, and payment less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to benefits provided for under this chapter.

Sec. 19. Section 36, chapter 274, Laws of 1947 and RCW 41.40.350 are each amended to read as follows:

The officer responsible for making up the payroll shall transmit promptly to the retirement board at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the retirement board may require showing thereon all deductions for the retirement system made from the ((salary)) compensation earnable of each member, together with warrants or checks covering the total of such deductions. The retirement board after making a record of all such receipts shall pay them to the state treasurer for use according to the provisions of this chapter.

Sec. 20. Section 38, chapter 274, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1963 and RCW 41.40.370 are each amended to read as follows:

(1) The retirement board shall ascertain and report to each employer the amount it shall provide for pension benefits for the ensuing biennium or fiscal year whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the rates of contribution as established by

RCW 41.40.361 or section 5 of this 1977 amendatory act to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, or July 1, 1977, as the case may be, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the applicable rates established by RCW 41.40.361 or section 5 of this 1977 amendatory act to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The retirement board shall bill each said employer at the end of each month for the amount due for that month and the same shall be paid as are its other obligations: PROVIDED, That the retirement board may, at its discretion, establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the retirement board shall bill such employer through the ((budget)) director of the office of program planning and fiscal management for such employer's contribution. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls. If any such employer shall fail or refuse to honor such a billing, the ((budget)) director of the office of program planning and fiscal management shall cause the same to be paid from any funds appropriated to the ((budget)) director of the office of program planning and fiscal management for such purposes.

NEW SECTION. Sec. 21. There is added to chapter 41.40 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to persons who establish membership in the retirement system on or before June 30, 1977: RCW 41.40.150, 41.40.160, 41.40.170, 41.40.180, 41.40.185, 41.40.190, 41.40.193, 41.40.195 except as provided in section 4 of this 1977 amendatory act, 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.235, 41.40.250, 41.40.260, 41.40.280, 41.40.300, 41.40.310, 41.40.320, and 41.40.330.

NEW SECTION. Sec. 22. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

NEW SECTION. Sec. 23. Sections 1 through 15 of this 1977 amendatory act shall be added to chapter 41.40 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

NEW SECTION. Sec. 24. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Sandison, Scott.

The bill was read the second time by sections.

Senator Marsh moved adoption of the committee amendment.

On motion of Senator Mardesich, the following amendment by Senators Mardesich and Jones to the committee amendment was adopted:

On page 1, following line 5, add a new section as follows:

"NEW SECTION. Section 1. LEGISLATIVE FINDING. It is the legislative finding that those employees who are presently members of the public employees' retirement system may retain membership in this retirement system or may transfer

into the parallel retirement system created by this act but in no instance shall there be any diminishment or loss of benefits or rights, whether current or prospective, of those employees who retain their membership in the public employees' retirement system and who were first employed on or before June 30, 1977."

Renumber the remaining sections accordingly.

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 13 of the amendment, beginning on line 19 after "member," strike the material through "1974" and insert "~~((prior to July 1, 1974))~~"

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Thank you. Will Senator Rasmussen yield? Senator, are you talking about those who are currently under the present system?"

Senator Rasmussen: "Yes."

Senator Clarke: "Well, is not this enactment a new system and relates to employees that will come on in the future?"

Senator Rasmussen: "This part that I am amending is not related. This bill, 865, contains both the old and the new, so that is written in one law that covers both employees that are now working and then those employees that will be coming on after July 1, 1977. The part that I am amending is the old law which would allow—"

Senator Clarke: "If I understand it correctly, this amendment you are proposing is an amendment to the old law which, under your arguments would be justifiable regardless of whether or not we adopted a new pension system."

Senator Rasmussen: "This is correct."

Senator Clarke: "So, in reality, it has nothing in substance to do with the enactment of the new system, but is simply an attempt to partially clean up part of the old system."

Senator Rasmussen: "That is correct."

Further debate ensued.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

Senator Mardesich moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 13 of the amendment beginning on line 19, after "member" strike all the material down to and including "period" on line 24 and insert "~~((prior to July 1, 1974 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period)) of both member and employer contributions for such period of service based on the compensation earnable when the payment is made"~~"

On page 13, of the amendment beginning on line 29, after "member" strike the material down to and including "service" on line 31 and insert "~~((prior to July 1, 1974, of five percent of such member's salary during said period of probationary service)) of both member and employer contributions for such period of service based on the compensation earnable when the payment is made"~~"

Debate ensued.

The motion by Senator Mardesich carried and the amendments to the committee amendment were adopted.

Senator Goltz moved adoption of the following amendment by Senators Goltz and Pullen to the committee amendment:

On page 1 of the printed Senate Committee Amendment, strike everything after line 5 and insert the following:

"Section 1. Section 1, chapter 274, Laws of 1947, as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 36.70.060 and 35.63.070 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, and the total of the legislative salary and the salary which is received for the position from which the

leave of absence is taken is less than the salary which would have been received for the position from which the leave of absence was taken, the difference shall be considered as compensation earnable if the employee's contribution ((is paid by the employee)) and the employer's contribution is paid by the ((employer or)) employee.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That where an individual is employed by two employers he shall only receive a total of twelve months of service credit during any calendar year.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the retirement board) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(c) ~~((Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1974 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.~~

(d)) Probationary service not to exceed six ((consecutive)) months ((of probationary service)), rendered after October 1, 1947, ((and before April 1, 1949,)) and prior to becoming a member, in the case of any member, upon payment in full by such member ((prior to July 1, 1974,)) to the benefit account fund of ((five)) six percent of such member's salary during said period of probationary service plus interest as computed by the director of the department of retirement systems.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in his individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system prior to the effective date of this 1977 amendatory act, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has

less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after the effective date of this 1977 amendatory act, means the annual average of the greatest compensation earnable by a member during any consecutive twenty-four month period of service for which service credit is allowed; or if the member has less than twenty-four months of service then the annual average compensation earnable during the member's total years of service for which service credit is allowed.

Average final compensation for persons who establish membership in the retirement system on or after the effective date of this 1977 amendatory act shall not include any of the following:

(i) Payments for deferred compensation or unused sick leave;

(ii) Any form of termination or severance pay;

(iii) Any additional compensation paid in anticipation of retirement; or

(iv) Payments for accrued annual leave.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

Sec. 2. Section 13, chapter 274, Laws of 1947 as last amended by section 6, chapter 33, Laws of 1975 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

(1) Persons in ineligible positions and, notwithstanding the provisions of subsection (3) of this section, on and after the effective date of this 1977 amendatory act, appointive and elective officials who receive monthly compensation from an employer in an amount equal to or less than seventy times the state minimum hourly wage;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such application for those taking elective office for the first time after May 21, 1971 shall be submitted within eight years of the beginning of their initial term of office: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee and employer contributions therefor by the employer or employee: AND PROVIDED FURTHER, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.190 or 41.40.185;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization

which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971 shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system.

Sec. 3. Section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.180 are each amended to read as follows:

(1) On and after April 1, 1949, any member with five years of creditable service who has attained age sixty and any original member who has attained age sixty may retire upon his written application to the retirement board, setting forth at what time(~~(, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof,)~~) he desires to be retired: PROVIDED, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: PROVIDED, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission, board and offices of the state: PROVIDED FURTHER, That any member holding elective office, having a fixed term to which he has been elected, who has attained age seventy may continue to serve as an elective official and to receive retirement credit for such service.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at what time(~~(, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof,)~~) he desires to be retired, subject to war measures.

(4) On and after May 21, 1971 any member who has completed twenty-five years of service and attained age fifty-five may retire on his written application to the retirement board setting forth at which time(~~(, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof,))~~) he desires to be retired, subject to war measures.

(5) Any individual who is eligible to retire pursuant to subsections (1) through (4) of this section shall be allowed to retire while on any authorized leave of absence not in excess of one hundred and twenty days.

(6) (~~The retirement board is authorized to waive advance notice of retirement upon good cause shown:)~~) No regular application for benefits pursuant to this section shall entitle a member to benefits retroactive to the date of separation from service unless filed within one year of such separation. No vested member's application for benefits shall entitle such a member to benefits retroactive to the first date of eligibility unless filed within one year of such eligibility. Applications received after the one year limitation established by this subsection shall entitle the member to benefits commencing the first of the month following the month in which the application was received.

Sec. 4. Section 5, chapter 151, Laws of 1972 ex. sess. as amended by section 8, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.185 are each amended to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180 or 41.40.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after February 25, 1972 shall consist of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions made pursuant to RCW 41.40.330(2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his average final compensation for each year or fraction of a year of membership service.

(3) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event, except as provided in this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) and (3) of this section of more than sixty percent of his average final compensation: **PROVIDED**, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: **PROVIDED**, That the initial retirement

allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative. The provisions of this subsection shall not apply to any person subject to the provisions of section 10 of this 1977 amendatory act.

(5) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

(a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.

(b) Option II. A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

(c) Option III. A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

Sec. 5. Section 7, chapter 151, Laws of 1972 ex. sess. as amended by section 10, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.193 are each amended to read as follows:

Except as provided in RCW 41.40.180(6) as now or hereafter amended, retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180, 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowance paid to members eligible to retire under any other provisions of this 1972 amendatory act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

Sec. 6. Section 1, chapter 68, Laws of 1970 ex. sess. as last amended by section 1, chapter 14, Laws of 1973 2nd ex. sess. and RCW 41.40.195 are each amended to read as follows:

(1) "Index" for the purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (~~((+1957=1959 equal one hundred))~~)—compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Cost-of-living factor", for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of

the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1971;

(3) "Initial date of payment" shall mean:

(a) The date of retirement of a member, or

(b) In the case of beneficiary receiving an allowance pursuant to the automatic application of option II pursuant to RCW 41.40.270(2), the first day of the month following the date of death;

(4) Each service retirement allowance payable from July 1, 1973 until any subsequent adjustment pursuant to subsection (5) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(5) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: PROVIDED, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

(6) The cost-of-living increases provided by this section shall be applicable to those individuals receiving benefits calculated pursuant to chapter 41.44 RCW and paid by the public employees' retirement system pursuant to RCW 41.40.407.

The provisions of this section shall apply only to persons who first establish membership in the retirement system prior to the effective date of this 1977 amendatory act, and to the beneficiaries of such persons.

Sec. 7. Section 21, chapter 274, Laws of 1947 as last amended by section 5, chapter 277, Laws of 1955 and RCW 41.40.200 are each amended to read as follows:

Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who becomes totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty, while in the service of an employer, without wilful negligence on his part, shall be retired: PROVIDED, The medical adviser after a medical examination of such member made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically totally incapacitated for the further performance of his duty to his employer and that such member should be retired: PROVIDED FURTHER, That the retirement board concurs in the recommendation of the medical adviser: AND PROVIDED FURTHER, No application shall be valid or a claim thereunder enforceable unless filed within two years after the date upon which the (~~injury occurred~~) member became totally incapacitated for duty.

Sec. 8. Section 24, chapter 274, Laws of 1947 as last amended by section 9, chapter 128, Laws of 1969 and RCW 41.40.230 are each amended to read as follows:

Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who has been an employee at least five years, and who becomes totally and permanently incapacitated for duty as the result of causes occurring not in the performance of his duty, but arising while the member was employed by an employer may be retired by the retirement board: PROVIDED, The medical adviser, after a medical examination of such member, made by or

under the direction of the said medical adviser shall certify in writing that such member is mentally or physically incapacitated for the further performance of duty, and such incapacity is likely to be permanent and that such member should be retired: PROVIDED FURTHER, That the retirement board concurs in the recommendation of the medical adviser; and PROVIDED FURTHER, That no application for nonduty disability benefits shall be valid or a claim thereunder enforceable unless received within two years of the date when the member became totally incapacitated for duty.

Sec. 9. Section 28, chapter 274, Laws of 1947 as last amended by section 12, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.270 are each amended to read as follows:

(1) Should a member die before the date of his retirement the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board. If there be no such designated person or persons still living at the time of the member's death, or if a member fails to file a new beneficiary designation subsequent to marriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representatives; (2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, ((and who has designated a beneficiary,)) the designated beneficiary, if a surviving spouse or a dependent as the term "dependent" is used in computing the dependent exemption for internal revenue purposes, may elect to waive the payment provided by subsection (1) of this section and option II of RCW 41.40.190(6) shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; (3) PROVIDED FURTHER, That subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180 as now or hereafter amended and thereafter dies between the date of his separation from service and his effective retirement date, where the member has selected either options II or III in RCW 41.40.190 or 41.40.185 as now or hereafter amended. In those cases, the beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member.

NEW SECTION, Sec. 10. There is added to chapter 41.40 RCW a new section to read as follows:

On and after the effective date of this 1977 amendatory act persons elected or appointed pursuant to Articles II and III of the Washington state Constitution or RCW 48.02.010 and the implementing statutes who were not previous members of the retirement system shall be eligible for a retirement allowance equal to two percent of the average final compensation for each year of service up to a maximum of sixty percent of average final compensation.

Notwithstanding any other provision of law to the contrary, the persons governed by this section shall be subject to the same eligibility standards, receive the

same benefits, and such persons and their employers shall contribute at the same rates as for any other person first establishing membership in the retirement system on or after the effective date of this 1977 amendatory act.

NEW SECTION. Sec. 11. There is added to chapter 41.40 RCW a new section to read as follows:

Periodic adjustment of retirement allowances payable under the provisions of this chapter to persons first establishing membership in the retirement system on or after the effective date of this 1977 amendatory act, and to the beneficiaries of such persons, shall be made only in accordance with the provisions of this section.

(1) "Index" shall mean for any calendar year that year's annual average consumer price index for urban wage earners and clerical workers, all items—compiled by the bureau of labor statistics, United States department of labor.

(2) "Cost-of-living factor" for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that in no event shall the cost-of-living factor be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor.

(3) "Retirement allowance" shall mean any retirement allowance, disability allowance, or survivorship benefit payable under the provisions of this chapter.

(4) Pursuant to this subsection every retirement allowance which is payable to a beneficiary and which has been in effect for more than one year shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of such retirement allowance on the initial date of payment.

The board must find that the cost of adjustments herein provided for shall have been met by the excess of the growth in the assets of such retirement system over that required for meeting the actuarial liabilities of the system before paying any benefits pursuant to this section.

NEW SECTION. Sec. 12. Section 31, chapter 274, Laws of 1947, section 21, chapter 240, Laws of 1949 and RCW 41.40.300 are each hereby repealed.

NEW SECTION. Sec. 13. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977."

Debate ensued.

POINT OF ORDER

Senator Scott: "Mr. President, I challenge the amendment, and raise the question of scope and object on this amendment in that on pages 20 and 21 there are a lot of titles cited there that aren't in the original amendment."

RULING BY THE PRESIDENT

President Cherberg: "Members of the Senate, the President, in ruling upon the point of order presented by Senator Scott, finds that Substitute House Bill number 865 is a bill establishing a completely revised public employees retirement system. The amendment by Senator Goltz and Senator Pullen addresses the same area, and therefore, the President believes that the point of order is not well taken and that the amendment does not change the scope and object of the measure."

The amendment by Senators Goltz and Pullen to the committee amendment was ruled in order.

Further debate ensued.

Senator Goltz demanded a roll call and the demand was sustained by Senators Talley, Pullen, Grant, von Reichbauer, Keefe, Murray, Ridder, Monohon and Gaspard.

The President declared the question before the Senate to be the roll call on the amendment by Senators Goltz and Pullen to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 17; nays, 29; absent or not voting, 1; excused, 1.

Voting yea: Senators Beck, Fleming, Gaspard, Goltz, Grant, Herr, Keefe, McDermott, Monohon, Murray, Pullen, Rasmussen, Ridder, Talley, von Reichbauer, Walgren, Wilson—17.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gould, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Sandison, Scott, Sellar, Van Hollebeke, Wanamaker, Washington, Wojahn, Woody—29.

Absent or not voting: Senator Bausch—1.

Excused: Senator Francis—1.

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

Senator Marsh moved the rules be suspended, Substitute House Bill No. 865 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

The motion by Senator Marsh carried on a rising vote.

MOTION

Senator Talley moved that Substitute House Bill No. 865 and Substitute House Bill No. 867 be referred to the Committee on Ways and Means.

Debate ensued.

The motion by Senator Talley failed on a rising vote.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 865, as amended by the Senate.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Will Senator Marsh yield to a question? Yesterday when we talked about the teacher system, we talked about the value of keeping teachers on the job for a more prolonged period in order to protect the pension system, and in the revision, today proposed within the PERS system we are also talking about extending the working life of employees. For the same percentage an employee will be working fifteen years longer? No, not quite, but at any rate, at thirty years they would earn forty-five percent rather than sixty percent of their salary. Do you have anything that indicates, Senator Marsh, what the impact on the general fund is as the result of keeping older, more highly paid employees on the job rather than opening those positions to younger employees?"

Senator Marsh: "Senator Ridder, I have in front of me a comparison of state actuary's projections, and the state actuary's projections point out that this commit-

tee amendment will save the state a hundred sixty-two point one million dollars in twenty years."

Senator Ridder: "In the general fund or in the pension fund?"

Senator Marsh: "In the general fund. We appropriate from the general fund to the pension fund, so that will save us a hundred sixty-two million dollars from our general fund appropriations to pensions.

"In addition, Senator Ridder, if we keep those experienced people on the job we will have the benefit of their services, and you know experienced help is much better than greener help, and I am sure they would be more productive than a brand new employee. I think there is a real advantage to that.

"In addition to that, I would point out that all the experts tell us that by 1990 we are going to have more people retired than working, and if we don't do something by keeping people on the job longer we are going to have a revolt among the working people who will be in the minority and they are going to be saying, 'we don't want to support the majority who are retired,' so I think we are just going for equity here. When we try to keep people on the job longer we get the benefit of their experience and we save the general fund millions and millions of dollars, and I hope that you will support this amendment."

Senator Ridder: "I would say that, of course, when you are having people on the job longer you are going to have not as many retired people to support, but you are not going to have the younger people working in order to support the other ones. I think it is kind of a circle that we aren't going to be able to absolve.

"Can you give me guarantees that that saving you talk about in the general fund encompasses the effect of older employees staying on the job longer at maximum salaries?"

Senator Marsh: "Senator Ridder, as you know, salaries are not necessarily dependent on-age. They are dependent on skill levels and responsibilities that are assigned to the employce, so you have asked an impossible question to answer."

Senator Ridder: "Well, I think not if you take it you are referring to step increases and so on. If you take it in the teaching profession in which there are lots of Indians, and not all that many chiefs, and I think the salary schedule is based generally on a factor of within ten years, twelve years to reach the maximum of your salary schedule, is that figured in the general fund, the saving that you are talking about? In other words, instead of hiring a teacher at ten or eleven thousand, and you are retaining a teacher at twenty thousand—?"

Senator Marsh: "Senator Ridder, I would point out we are not talking about the teachers retirement—"

Senator Ridder: "I realize that, except that is a more predictable—you said the other was not that readily accessible, and I am using the teachers as an example. I would assume that an employee who has started out at seventy-six hundred, and has had six percent increases, by the time they reach ten years with a department will be receiving approximately twice their original salary, and will be retained at that point for the succeeding thirty years of your prospective employment."

Senator Marsh: "Senator Ridder, I would like to think that salary increases are generally made on the basis of productivity, and that if our state employees are receiving higher and higher wages it is because they are becoming more and more productive because of experience and time on the job."

Senator Ridder: "Well, it is nice of you to say you would like to think that, but in a point of reality we give automatic increases and we are granting that in this subject bill."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 1.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Gould, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Sandison, Scott, Sellar, Van Hollebeke, Wanamaker, Woody—25.

Voting nay: Senators Bausch, Beck, Bottiger, Fleming, Gaspard, Goltz, Grant, Herr, Keefe, McDermott, Monohon, Murray, Odegaard, Pullen, Rasmussen, Ridder, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—22.

Excused: Senator Francis—1.

SUBSTITUTE HOUSE BILL NO. 865, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 865, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

At 5:10 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, June 2, 1977.

JOHN R. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, June 2, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Buffington, Donohue, Fleming, Francis, Herr, Lewis, Murray and North. On motion of Senator Jones, Senators Buffington, Lewis, Murray and North were excused.

The Color Guard, consisting of Pages Theresa Grenfell and Gary Timm, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"O GOD, OUR FATHER, DURING THESE LATE DAYS OF THIS SESSION, WE PRAY FOR ALL MEMBERS OF THE SENATE. BE WITH THEM AS THEY PRAY FOR ONE ANOTHER. HELP THEM TO ACKNOWLEDGE NOT ONLY THE DIFFERENCES THAT DIVIDE THEM AND THE RESENTMENTS THAT SEPARATE THEM, BUT HELP THEM ALSO TO CELEBRATE THE COMMON TASKS WHICH HAVE DRAWN THEM TOGETHER, AND THE LOVE FOR EACH OTHER WHICH HAS GROWN DURING THESE DAYS TOGETHER. LET THEM BE SLOW TO CRITICIZE, AND QUICK TO APPRECIATE; SLOW TO JUSTIFY THEMSELVES, AND QUICK TO EXCUSE ONE ANOTHER. WHEN THEY DISAGREE, HELP THEM TO LISTEN TO EACH OTHER, AND TO STRUGGLE TOWARD A COMMON TRUTH. SET THEM FREE FROM WORDS AND DEEDS THAT WOULD DEVASTATE OTHERS OR CRIPPLE THEMSELVES. BE WITH THOSE WHO MUST PICK UP THE PIECES OF BROKEN PROMISES. HEAL THOSE WHO MUST TRY TO PUT THEMSELVES TOGETHER AGAIN. DON'T LET ANY WALLOW IN ANGRY PAIN, BUT HELP THEM ALL TO THE FORGIVENESS WHICH LEADS TO RECONCILIATION. GRANT, OUR FATHER, THAT THE SATISFACTION OF WORK CAREFULLY PLANNED, STRUGGLED FOR AND COMPLETED, MAY SO FILL THESE SENATORS THAT THEY MAY EXPERIENCE THE UNITING SPIRIT OF YOUR LOVE, AND OF THEIR LOVE FOR EACH OTHER. IN THE BRIGHT SPIRIT OF OUR MASTER, WE PRAY. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 1, 1977.

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

I have the honor to advise that on June 1, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2114: Permitting longer concessions and leases in state parks.

SENATE BILL NO. 2211: Authorizing commission on harbor lines to change harbor lines.

SENATE BILL NO. 2241: Permitting use of Laettrile.

SUBSTITUTE SENATE BILL NO. 2244: Revising laws governing car dealers and salesmen.

SENATE BILL NO. 2273: Providing for tuition and fees for students participating in a joint program conducted by two or more institutions of higher education.

SENATE BILL NO. 2310: Making various changes in the law on the state committee on salaries.

SUBSTITUTE SENATE BILL NO. 2356: Revising methods of setting precinct boundaries.

SENATE BILL NO. 2444: Authorizing an involuntary sustained treatment program for recidivist alcoholics.

SENATE BILL NO. 2485: Establishing new functional classifications for highways.

SUBSTITUTE SENATE BILL NO. 2593: Authorizing certain community college programs for military personnel and their dependents, department of defense civilians and their dependents and for U.S. veterans.

SUBSTITUTE SENATE BILL NO. 2634: Revising the legislative intent statement on environmental protection of the Columbia River Gorge.

SUBSTITUTE SENATE BILL NO. 2638: Authorizing certain alternative systems for correcting septic tank failures.

SENATE BILL NO. 2675: Modifying the penalty for the taking of certain merchandise.

SENATE BILL NO. 2747: Providing for disposal of surplus property.

SUBSTITUTE SENATE BILL NO. 2851: Revising state employees insurance and health care.

SUBSTITUTE SENATE BILL NO. 2975: Relating to the liability of ski resort operators.

SUBSTITUTE SENATE BILL NO. 3098: Excluding certain information from driving record abstracts furnished to insurance companies.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

June 1, 1977.

Mr. President: The House has passed:

SENATE BILL NO. 2217,

SENATE BILL NO. 2439,

SENATE BILL NO. 2479,

SENATE BILL NO. 2486,

ENGROSSED SENATE BILL NO. 2510, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 1, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 768, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 1, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 459, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 1, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 2268, and the House amendments thereto, and the Speaker has appointed as members of the conference committee thereon: Representatives Ehlers, Keller and Zimmerman.

DEAN R. FOSTER, Chief Clerk.

June 1, 1977.

Mr. President: The House refuses to grant a conference on the proviso on page 1, beginning on line 24, and ending with "section" on line 35, of SENATE BILL NO. 2493, and asks the Senate for a conference on the House amendments. The Speaker has appointed as members of the conference committee: Representatives Erickson, Conner and Flanagan.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request for a conference on Senate Bill No. 2493 and the House amendments thereto was granted.

MESSAGES FROM THE HOUSE

June 1, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, and the Senate amendments thereto, and the Speaker has appointed as members of the conference committee thereon: Representatives Greengo, Warnke and Eng.

DEAN R. FOSTER, Chief Clerk.

June 1, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2451, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

May 27, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2451, as amended by the House, allowing for a longer appeal period from actions of county boards of equalization, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the House amendments be adopted with the following amendments:

On page 3, line 5 of the House amendment, after "equalization" and before "may" insert "with the approval of the county legislative authority"

On page 3, line 7 of the House amendment, after "year" and before the period insert "whichever is greater".

Signed by: Senators Rasmussen, Marsh and Morrison; Representatives Sommers, Knedlik and Winsley.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2451.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 2382, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Hurley (Margaret), North and Paris.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute Senate Bill No. 2382 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 2382, and the House amendments thereto: Senators von Reichbauer, Lewis and Gaspard.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2421, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 2, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2421, as amended by the House, authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Goltz, Sellar and Van Hollebeke; Representatives Eng, Lee and Owen.

MOTION

On motion of Senator Goltz, the report of the Free Conference Committee on Engrossed Senate Bill No. 2421 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2421, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Donohue, Fleming, Francis, Herr—4.

Excused: Senators Buffington, Lewis, Murray, North—4.

ENGROSSED SENATE BILL NO. 2421, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Odegaard, Senators Donohue, Francis and Herr were excused.

MESSAGE FROM THE HOUSE

May 16, 1977.

Mr. President: The House has passed SENATE BILL NO. 2080, with the following amendments:

On page 1, beginning on line 7, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature hereby recognizes that there does currently exist many opportunities whereby the citizenry of the state may volunteer their labor services to local governmental bodies or agencies and that such voluntary services provide an opportunity for such volunteers to assist in reducing the cost of governmental services and also provide a public service. The legislature also recognizes that traditionally the recipient unit of government compensates such volunteers for nominal out-of-pocket expenses associated with travel to and from the place where such services are rendered, clothing costs, laundry costs, and other similar costs by paying to such volunteers a uniform nominal amount per unit of voluntary service rendered. The legislature also recognizes that the receipt of such compensation does not normally constitute an income element to the recipient.

Sec. 2. Section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director under RCW 49.46.050;

(3) "Employ" includes to suffer or to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) Any individual employed in domestic service in or about a private home;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the director: PROVIDED HOWEVER, That such terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions);

(d) Any individual engaged in the activities of an educational, charitable, religious, governmental agency or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously;

(e) Any newspaper vendor or carrier;

(f) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(g) Any individual engaged in forest protection and fire prevention activities;

(h) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(i) Any individual whose duties require that he reside or sleep at the place of his employment or who otherwise spends a substantial portion of his work time subject to call, and not engaged in the performance of active duties;

(j) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution.

(k) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature.

(l) All vessel operating crews of the Washington state ferries operated by the state highway commission.

(m) Any individual employed as a seaman on a vessel other than an American vessel.

(n) Any individual who volunteers to perform activities on a part time basis and as a public service for a local governmental body or agency and who may receive reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered.

(o) Any individual employed full time by any local governmental body or agency who provides voluntary services as a public service but only with regard to the provision of such voluntary services.

(p) Any volunteer fireman enrolled under the provisions of chapter 41.24 RCW.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

NEW SECTION. Sec. 3. There is added to chapter 49.46 RCW a new section to read as follows:

When an individual volunteers his labor to a local governmental body or agency on a part time basis as a public service and receives pursuant to an ordinance or resolution adopted by such political subdivision an in lieu reimbursement at a nominal rate for normally incurred expenses such reimbursement shall not be deemed a salary for the rendering of services.

NEW SECTION. Sec. 4. It is the intent of the legislature that if this bill and chapter ... (EHB 104), Laws of 1977 1st ex. sess., which is also being considered by this legislature, are enacted into law the provisions of both are to be given full force and effect.

NEW SECTION. Sec. 5. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 1 of the title after "government" and before "voluntary" delete "public safety"

On line 5 of the title before "; and" delete "a new section" and insert "new sections", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, Senate Bill No. 2080 was rereferred to the Committee on Rules.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House insists on its position regarding HOUSE BILL NO. 503, and refuses the Senate request for a conference thereon.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate adheres to its position on House Bill No. 503, and insists that the House grant a conference.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 604, by Committee on Labor (originally sponsored by Representatives Lux, Pearsall, Fischer and Pruitt) (by Department of Labor and Industries request):

Revising the state industrial insurance laws.

The bill was read the second time by sections.

Senator Marsh moved adoption of the following amendment by Senators Marsh and Jones:

On page 5, following line 21, add a section to read as follows: "Sec. ____ Chapter 23, section 51.12.050, Laws of 1961 as last amended by Chapter 43, section 8, Laws of 1972 ex. sess. and RCW 51.12.050 are each amended to read as follows:

Whenever the state, county, any municipal corporation, or other taxing district shall engage in any work, or let a contract therefor, in which workmen are employed for wages, this title shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality, or other taxing district. If the work is being done by contract, the payroll of the contractor and the subcontractor shall be the basis of computation and, in the case of contract work consuming less than one year in performance, the required payment into the accident fund shall be based upon the total payroll. The contractor and any subcontractor shall be subject to the provisions of this title, and the state for its general fund, the county, municipal corporation, or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of the payment.

Whenever and so long as, by state law, city charter, or municipal ordinance, provision is made for employees or peace officers injured in the course of employment, such employees shall not be included in the payroll of the municipality under this title: PROVIDED, That whenever any state law, city charter, or municipal ordinance only provides for payment to the employee of the difference between his actual wages and that received under this title and may be included in the payroll of the municipality.

Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to annul, modify, or preclude the continuation of any existing contracts for providing disability and medical benefits pursuant to chapter 41.26 RCW. Upon the expiration date of such contracts, employers shall be required to cover all such employees as required pursuant to chapter _____, Laws of 1977 (SHB 867) under the provisions of Title 51 RCW."

POINT OF ORDER

Senator Grant: "Mr. President, I raise a point of order in regard to scope and object on this amendment. Mr. President, the amendment by Senator Marsh opens a brand new area with regard to this particular bill. It is primarily a housekeeping measure. It was introduced at the request of the department of labor and industries primarily to clean up some language problems and clarify some doubtful legalities.

"I think that the amendment by Senator Marsh deals with the LEOFF system which really has no relationship, currently at least, to worker's compensation and therefore should be ruled as expanding scope and object."

PARLIAMENTARY INQUIRY

Senator Ridder: "I have no objection, Mr. President. Would it be appropriate at this time to raise the question of scope and object on another amendment which is on our desks?"

REPLY BY THE PRESIDENT

President Cherberg: "That would not be in order at this time, Senator Ridder. However, in the interest of expediting the business of the Senate, the President will review all of the amendments and perhaps be prepared when the bill comes up once again."

MOTION

On motion of Senator Grant, Engrossed Substitute House Bill No. 604, together with the pending amendment by Senators Marsh and Jones and the Point of Order raised by Senator Grant, was ordered held at the end of today's calendar.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 538.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 538, by Committee on Social and Health Services (originally sponsored by Representatives Hanna, Becker, King, Maxie, Gruger, Douthwaite, Nelson (Gary) and Whiteside):
Regulating social workers.

REPORT OF STANDING COMMITTEE

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 538, regulating social workers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

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

"NEW SECTION, Section 1. There is added to Title 18 RCW a new section to read as follows:

The purpose of this chapter is to protect the public as regards the profession of social work by promoting high standards of professional performance, by requiring professional accountability, by setting standards of qualification, education, training, and experience for those persons who seek to engage in the practice of professional social work through agencies and as private practitioners, and by requiring licensing for persons using the title "social worker" in any manner.

NEW SECTION, Sec. 2. There is added to Title 18 RCW a new section to read as follows:

Wherever used in this chapter, terms defined in this section shall have the meanings specified unless the context clearly indicates otherwise.

(1) "Social work" and "social work practice":

(a) Mean the professional activity, using the title of social worker, of helping individuals, groups, or communities enhance or restore their capacity for social functioning and creating societal conditions favorable to this goal in the areas of clinical social work, social case work, social group work, and community social work; and

(b) Consist of the professional application of social work values, principles, and techniques which use the knowledge of human development and behavior and of social, economic, and cultural institutions.

(2) "Professional activity" means work which:

(a) Is predominately intellectual and varied in nature;

(b) Involves the consistent exercise of discretion and judgment in its performance; and

(c) Requires knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction.

(3) "Board" means the state board of social work examiners.

(4) "Department" means the department of motor vehicles.

(5) "Director" means the director of the department of motor vehicles.

NEW SECTION. Sec. 3. There is added to Title 18 RCW a new section to read as follows:

There shall be appointed by the governor a state board of social work examiners which shall consist of five members, one of whom shall be initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Thereafter, all appointments shall be for terms of three years. No person shall serve as a member of the board for more than two consecutive terms.

The governor may remove any member from the board for neglect of a duty required by law, or for incompetency, or for unprofessional or dishonorable conduct. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

NEW SECTION. Sec. 4. There is added to Title 18 RCW a new section to read as follows:

Each member of the board shall be a resident of the state of Washington. The board shall include three certified social workers and one social worker qualified pursuant to section 13 of this act or sections 10 through 12 of this act. Among the foregoing, one shall be a private practitioner and one shall represent the major employee groups. In addition to the foregoing, there shall be one public member who is a consumer of social work services.

Except as to the public member, initial members comprising this board shall be presumed to be eligible for licensing and, after licensing is established, shall be licensed under the provisions of this chapter.

NEW SECTION. Sec. 5. There is added to Title 18 RCW a new section to read as follows:

The department shall have the following powers:

(1) With the advice of the board, to adopt, amend, or repeal such rules as deemed necessary to carry out the provisions of this chapter;

(2) To investigate all complaints and charges of grounds for disciplinary action against any holder of a license and to hold hearings to determine the validity of the charges;

(3) To employ necessary staff;

(4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding;

(5) To take depositions or cause depositions to be taken as needed in any investigation, hearing, or proceeding;

(6) To investigate complaints and charges of improper or unprofessional conduct, to analyze training and procedures in such cases, and to direct corrective action.

The department shall furnish to the board an executive secretary and such secretarial, clerical, and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to travel expenses while away from home pursuant to RCW 43.03.050 and 43.03.060, receive such compensation as is determined by the governor pursuant to RCW 43.03.040 for each day the member is engaged in the discharge of his or her duties.

NEW SECTION. Sec. 6. There is added to Title 18 RCW a new section to read as follows:

The board shall meet at times and places designated by the director and shall hold meetings during the year as may be deemed necessary to transact its business. A majority of the board shall constitute a quorum for the transaction of business. At its organizational meeting, the board shall elect from among its members a chairperson and a secretary. All meetings of the board shall be open to the public except that the board may hold executive sessions to the extent permitted by RCW 42.30.110.

NEW SECTION. Sec. 7. There is added to Title 18 RCW a new section to read as follows:

In addition to the other duties set forth in this chapter, the department with the advice of the board shall promulgate rules under chapter 34.04 RCW that set sound ethical and professional standards for practice of those licensed under this chapter.

NEW SECTION. Sec. 8. There is added to Title 18 RCW a new section to read as follows:

The initial appointee as executive secretary shall be qualified for licensing as a certified social worker as defined in this chapter. Subsequent appointees must be licensed as a certified social worker under the provisions of this chapter.

NEW SECTION. Sec. 9. Any person who engages in the practice of social work and who holds himself out as a social worker by using the title "social worker" shall be licensed under this chapter.

NEW SECTION. Sec. 10. There is added to Title 18 RCW a new section to read as follows:

An applicant for a license to practice under this chapter shall submit to the department a written application on a form to be determined by the director with the approval of the board, together with such documentary evidence as shall be required to establish his or her educational attainment, and such other documentation as the board shall, from time to time, determine. The board, by rule, shall establish criteria for evaluating the applicant's ability to perform social work practice, and to that end shall require the applicant to pass a written examination. The examination shall be given at least annually in such subjects as the board shall determine. The board may supplement such examination by an oral or demonstration presentation. The standards for passing shall be prescribed and established by the board: PROVIDED, That the qualifications for application for licensure shall not exceed those established under section 11 of this act.

Every applicant for a license under this chapter shall pay to the state treasurer a fee determined by the director under RCW 43.24.085 as now or hereafter amended.

Licenses shall be issued under the categories of certified social worker, social worker, and social service technician.

The department shall not permit access to or use of its mailing list of licensees for commercial purposes.

NEW SECTION. Sec. 11. There is added to Title 18 RCW a new section to read as follows:

(1)(a) Except as provided under section 13 of this act, qualifications for the license of a certified social worker shall be a minimum of a master's degree from a school of social work approved as of January 1, 1977, by the state board of social work examiners, or a combination of education and experience measurably equivalent to the master's degree as determined by the board.

(b) The board shall have a certificate of qualification for independent practice stating area or areas of specialty certification, such as clinical social work, community organization, and others as determined by the board. Applicants for specialty certification shall meet the requirements of paragraph (a) of this subsection and shall have completed two years of supervised experience in that specialty as

approved by the board. This certification shall be displayed with or affixed to the license so issued.

(2) Qualifications for the license of social worker shall be a minimum of a baccalaureate degree in a social work program as approved by the state board of social work examiners as of January 1, 1977, or a combination of education and experience measurably equivalent to the baccalaureate degree as determined by the board.

(3) Qualification for the license of a social service technician shall consist of a minimum of an associate of arts degree from a board approved social or human services program and two years of board approved experience or measurably equivalent education and experience as approved by the board.

NEW SECTION. Sec. 12. There is added to Title 18 RCW a new section to read as follows:

Upon receiving a written application, evidence of qualification, and the required fee, the director, with the approval of the board, may issue a license to practice at the appropriate level without examination to an applicant who is currently duly licensed as a certified social worker or social worker or equivalent under the laws of another state, territory, or foreign country, so long as the requirements of such state, territory, or foreign country are substantially similar to those provided in this chapter.

NEW SECTION. Sec. 13. There is added to Title 18 RCW a new section to read as follows:

From and after the effective date of this act, an applicant shall be exempt from the examination provisions of this chapter, with the exception of applicants wishing to be licensed under section 18 of this act, under the following conditions so long as application for exemption is made within eighteen months of the effective date of this act:

(1) The applicant shall establish to the satisfaction of the department that such applicant has been engaged in the practice of professional social work for two of the previous four years; and

(2) The applicant has the following academic qualifications:

(a) For certified social worker, a graduate degree from a board-approved school, or has successfully completed two years of professional education in a graduate school of social work without receiving a Master's degree and subsequently has ten or more years of full time social work experience acceptable to the board;

(b) For social worker, a baccalaureate or an associate degree in social work from a board approved school.

After eighteen months from the effective date of this act, the director, with the approval of the board, shall issue certificates of licensure only as provided in sections 10 through 12 of this act.

NEW SECTION. Sec. 14. There is added to Title 18 RCW a new section to read as follows:

The director may, by injunctive proceedings instituted by the attorney general, prevent the practice of social work by any person holding himself out as a social worker but not validly licensed pursuant to this chapter.

NEW SECTION. Sec. 15. There is added to Title 18 RCW a new section to read as follows:

Reported violations of this chapter shall be investigated by the department, and, if it finds that a violation has occurred, it shall immediately report the same to the prosecuting attorney in the county in which the violation occurred for prosecution.

NEW SECTION. Sec. 16. There is added to Title 18 RCW a new section to read as follows:

Every license issued under this chapter shall be renewed annually in the month of the licensee's date of birth in the manner provided in this section. At least thirty

days prior to expiration, the department shall mail a notice for license renewal to each person licensed for the current licensing period. The applicant must return the notice properly completed to the department with the renewal fee as determined by the director prior to the expiration date, upon receipt of which a license will be issued and forwarded to the applicant which shall render the holder thereof a legal practitioner of social work for the period stated on the license.

NEW SECTION. Sec. 17. There is added to Title 18 RCW a new section to read as follows:

Any licensee who allows his or her license to lapse by failing to renew prior to expiration as provided in section 16 of this act, shall, upon application for renewal, pay a penalty of five dollars. If the applicant fails to renew the license before the end of the next licensing period following expiration, the license shall be issued thereafter by the department upon written application and penalty of twenty dollars. No one shall hold oneself out as a social worker without a current license.

NEW SECTION. Sec. 18. There is added to Title 18 RCW a new section to read as follows:

A person licensed under this chapter who desires to retire temporarily from the practice of social work in this state must send written notice thereof to the director.

Upon receipt of such notice the name of such person shall be placed upon the nonpracticing list. While on such list the person shall not be subject to payment of renewal fees, and shall not hold oneself out as a social worker in the state during such period. In order to resume practice under this chapter, application for renewal shall be made in ordinary course with the renewal fee for the current period. Persons on a nonpracticing status for a period in excess of five years must provide evidence of current knowledge and skill as may be required by the board.

NEW SECTION. Sec. 19. There is added to Title 18 RCW a new section to read as follows:

Any person aggrieved by the refusal of the department to issue or renew any license provided for in this chapter, or by the revocation or suspension of a license issued under this chapter, shall have a right of appeal in the manner provided by chapter 34.04 RCW.

NEW SECTION. Sec. 20. There is added to Title 18 RCW a new section to read as follows:

Where an applicant for licensing plans to or has come into this state from a jurisdiction which has no licensing or has dissimilar qualifications, and the applicant may have qualifications for licensing under this chapter, the director is authorized, upon examination by the board of an application for licensing submitted under this section, to issue a permit to allow temporary privileges for a period not to exceed ninety days, upon payment of a fee set by the director, pending completion of licensing procedures as specified in this chapter.

NEW SECTION. Sec. 21. There is added to Title 18 RCW a new section to read as follows:

The license of any person to practice social work under this chapter may be revoked or suspended for any of the following causes when found by the department that the person:

- (1) Procured or attempted to procure the license by fraud, deceit, or misrepresentation; or
- (2) Whose ability to perform the functions for which he or she is licensed is substantially impaired by reason of physical or mental disability; or
- (3) Has been grossly negligent in the practice of social work; or
- (4) Has been convicted of a felony; or
- (5) Has wilfully violated any of the provisions of this chapter or rules adopted under this chapter.

The department shall, upon recommendation of the board, reissue a license previously revoked or suspended under the provisions of this section. Application for reissuance shall be made in such manner and under such conditions as the board may provide.

The private activities of persons licensed under this chapter shall not furnish grounds for disciplinary action unless they materially affect the licensee's professional services.

NEW SECTION. Sec. 22. There is added to Title 18 RCW a new section to read as follows:

It shall be a misdemeanor for any person to:

- (1) Fraudulently obtain a diploma, license, or record of graduation as a social worker or certified social worker;
- (2) Hold oneself out to be a social worker after January 1, 1978, without a license issued under the provisions of this chapter;
- (3) Knowingly make a false statement in connection with any applicant under this chapter;
- (4) Use in connection with his or her name any designation or initials tending to imply that he or she is licensed as a social worker unless the same is true;
- (5) Practice as a licensed social worker during the time of license suspension or revocation; or
- (6) Otherwise violate the provisions of this chapter.

NEW SECTION. Sec. 23. There is added to Title 18 RCW a new section to read as follows:

This chapter shall not be construed to prohibit:

- (1) The practice of social work by students attending a school of social work approved by the board of social work examiners during an internship approved by that school, or other training approved by the board. Students enrolled in recognized programs of study leading to social work degrees may practice only under the consultation of a certified social worker or a social worker licensed under this chapter.
- (2) Practice by trainees in agency programs approved by the board for a period not to exceed two years without board approved extension.
- (3) The practice by a person employed by the United States government.
- (4) The performance of teaching by qualified persons.

Any other profession licensed under state law shall be exempt from the licensing, regulatory, and disciplinary provisions of this chapter. Nothing in this chapter shall be construed as prohibiting any individual or group of individuals from offering counseling or guidance provided the individual or group of individuals do not hold themselves out as social workers.

NEW SECTION. Sec. 24. There is added to Title 18 RCW a new section to read as follows:

A social worker shall not, without the consent of his client, be examined in a civil action as to any information acquired in communication with his client which is necessary to enable him to assist his client, provided that for purposes of this section the client shall be considered the hiring agency or employer.

NEW SECTION. Sec. 25. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. Sections 1 through 24 of this act shall constitute a new chapter in Title 18 RCW."

Signed by: Senators Goltz, Vice Chairman; Buffington, Cunningham, Francis, Gould, McDermott, Monohon, Wojahn.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Talley: "Would Senator Day yield? That word 'tightening up' covers a lot of ground. Just exactly what did you do?"

Senator Day: "Well, what we did was to better define the term 'social worker' so that it did not apply to literally even legislators, maybe, and that way, make the bill have stricter interpretation so that people who are actually social workers and need to be licensed would be the ones that did come under the purview of the licensing act."

Senator Talley: "Will you yield to this other question? I had a call from the county commissioners at home, and they were afraid that with this amendment that their employees who do this social work would not be able to belong to the association."

Senator Day: "No, that is not the intent of the act at all. It would be my opinion that they would be licensed and then they would be able to continue."

MOTION

On motion of Senator Day, Substitute House Bill No. 538, together with the pending committee amendment, was ordered held for further consideration during the afternoon session today.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 619, by Committee on State Government (originally sponsored by Representatives Sommers, Ehlers and Shinpoch) (by State Treasurer request):

Modifying investment authority of the state finance committee.

The Senate resumed consideration of Substitute House Bill No. 619. On June 1, 1977, an amendment to page 4 had been moved for adoption by Senator Guess.

There being no objection, on motion of Senator Guess the pending amendment was withdrawn.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Bluechel:

On page 1, beginning on line 5, add sections as follows:

"Section 1. Section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.050 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than two divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department (~~((for investment purposes))~~) and inspect and audit the files and records as deemed necessary;

(3) With the assistance of the state finance committee, prepare written reports at least quarterly summarizing the investment (~~((and bond management))~~) activities of the department, which reports shall be sent to the governor, to the senate ways and means committee(~~(s of)~~), the house (~~((and senate, to members of the finance advisory))~~) appropriations committee, to all agencies having a direct financial interest in the investment of funds (~~((or issuance and sale of bonds by the director))~~), and to other persons on request;

(4) Employ personnel to carry out the general administration of the department;

(5) Submit an annual written report of the activities of the department to the governor and the legislature, including recommendations for statutory changes the director believes to be desirable;

(6) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.04 RCW.

Sec. 2. Section 10, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.080 are each amended to read as follows:

The director and the state finance committee, with the approval of the respective boards, shall provide for the investment of all funds of the Washington public employees' retirement system, the teachers' retirement system, the Washington law enforcement officers' and fire fighters' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges' retirement fund, pursuant to RCW 43.84.150, and ~~((shall authorize))~~ may sell or exchange investments acquired in the exercise of that authority: PROVIDED, That the method of granting approval shall be determined by each board, respectively, in its sole discretion. The state finance committee ~~((to))~~ shall execute all such transactions. Nothing in this section or any other provision of law shall be construed to grant the director any investment powers other than as to funds of those retirement systems designated in this section.

Sec. 3. Section 7, chapter 103, Laws of 1973 1st ex. sess. as amended by section 112, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.050 are each amended to read as follows:

There is hereby created the investment advisory committee to consist of ~~((seven))~~ eight members to be appointed as hereinafter provided:

(1) One person shall be appointed annually by the Washington public employees' retirement board. One person shall be appointed annually by the board of trustees of the Washington state teachers' retirement system. The original members appointed pursuant to this subsection shall serve for one year, measured from July 1 of the year in which the appointment is made.

(2) ~~((Four))~~ Five persons shall be appointed by the state finance committee, who shall be considered experienced and qualified in the field of investments ~~((and shall not during the term of their appointment have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee or retirement board))~~. The original members appointed by the state finance committee shall serve as follows: One member shall serve a one-year term; one member shall serve for a term of two years; one member shall serve for a term of three years; and one member shall serve for a term of four years. All subsequent state finance committee appointees shall serve for terms of four years. All such appointive terms shall commence on July 1 of the year in which appointment is made.

(3) ~~((One member of the public pension commission or its successor who shall be one of the members appointed by the governor and who shall be appointed to the investment advisory committee by the members of the public pension commission for a two-year term from July 1 of each odd-numbered year))~~ The state actuary appointed under RCW 44.44.010 who shall serve for the period while holding the office of the state actuary.

No member during the term of his or her appointment or for two years thereafter shall have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee.

All vacancies shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and any member may be reappointed for additional terms.

The investment advisory committee shall meet at least quarterly at such times as it may fix.

Each member shall receive fifty dollars for each day or portion thereof spent discharging his official duties as a member of the advisory committee and travel

expenses as provided, in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 4. Section 9, chapter 103, Laws of 1973 1st ex. sess. as amended by section 26, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.070 are each amended to read as follows:

In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices, and procedures to the state finance committee and the director of retirement systems regarding those retirement funds for which the various retirement boards are designated trustees;

(2) Make recommendations as to general investment policies, practices, and procedures regarding all other investment funds to the state finance committee.

The director of retirement systems and the state finance committee shall make the final decision regarding the advice and recommendations submitted by the investment advisory committee."

Renumber the remaining sections consecutively.

On page 6, after line 27, add sections as follows:

NEW SECTION. Sec. 7. There is added to chapter 41.50 RCW a new section to read as follows:

Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

NEW SECTION. Sec. 8. There is added to chapter 41.26 RCW a new section to read as follows:

Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

NEW SECTION. Sec. 9. There is added to chapter 41.40 RCW a new section to read as follows:

Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

NEW SECTION. Sec. 10. There is added to chapter 43.33 RCW a new section to read as follows:

The state finance committee shall prepare written reports at least quarterly summarizing the investment and bond management activities of the finance committee, which reports shall be sent to the governor, to the senate ways and means committee, the house appropriations committee, to members of the investment advisory committee, to all retirement boards, and other agencies having a direct financial interest in the investment of funds or issuance and sale of bonds by the committee, and to other persons on written request.

NEW SECTION. Sec. 11. There is added to chapter 43.33 RCW a new section to read as follows:

Any investments made by the state finance committee shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of

their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived."

POINT OF INQUIRY

Senator Beck: "Senator Rasmussen, would you yield to a question? Senator, both House Bill 619 and 620 are very urgently needed bills by the state treasurer. Does this meet with the approval of the state treasurer? This is not endangering either one of those bills is it?"

Senator Rasmussen: "No way."

Senator Beck: "Well, thank you very much. I hope we are not losing a good bill here by trying to put both of them on it."

The motion by Senator Rasmussen carried and the amendments were adopted.

MOTIONS

On motion of Senator Odegaard, Senator Woody was excused.

On motion of Senator Rasmussen, the following amendments by Senators Rasmussen and Bluechel to the title were adopted:

On line 1 of the title, after "investments;" and before "amending" insert "amending section 7, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50-.050; amending section 10, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.50.080; amending section 7, chapter 103, Laws of 1973 1st ex. sess. as amended by section 112, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.050; amending section 9, chapter 103, Laws of 1973 1st ex. sess. as amended by section 26, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 43.33.070;"

Beginning on line 2 of the title after "RCW 43.84.150;" delete the remainder of the title and insert "adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 41.40 RCW; and adding new sections to chapter 43.33 RCW."

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 619, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Would Senator Rasmussen yield? Senator Rasmussen, I can recall from a point in time a few years ago when the retirees involved in these various systems had representation on the board or committee or whatever, and in effect, had some voice in the nature of the investments being made with their funds. My question is, do they still have this voice and would these two bills change that aspect of the retirement procedures at all?"

Senator Rasmussen: "In no way. The advisory committee members are made up the same as they are now."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 619, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Mardesich, Marsh, Monohon, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

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

Excused: Senators Buffington, Herr, Lewis, Murray, North, Woody—6.

SUBSTITUTE HOUSE BILL NO. 619, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 208.

SECOND READING

HOUSE BILL NO. 208, by Representatives Smith, Salatino, Knedlik, Erickson, Nelson (Gary), North, Enbody and Leckenby:

Providing attorneys fees for the prevailing party in contract and lease dispute.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, House Bill No. 208 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 208, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senator McDermott—1.

Excused: Senators Buffington, Herr, Lewis, Murray, North, Woody—6.

HOUSE BILL NO. 208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:52 a.m., on motion of Senator Walgren, the Senate recessed until 12:30 p.m.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2160,

SENATE BILL NO. 2217,

SENATE BILL NO. 2439,

SENATE BILL NO. 2479,

SENATE BILL NO. 2486,

SENATE BILL NO. 2510.

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, by Committee on Judiciary (originally sponsored by Representatives Enbody, Knowles and McKibbin):

Enacting the "Comprehensive Sentencing Act of 1977".

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Goltz: "Parliamentary inquiry, Mr. President. What is the vote required for the passage of House Bill 615?"

REPLY BY THE PRESIDENT

President Cherberg: "Two-thirds of the members elected, Senator."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 615, as amended by the Senate.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 615, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 29; nays, 11; absent or not voting, 4; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Day, Donohue, Gaspard, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, von Reichbauer, Walgren, Wanamaker—29.

Voting nay: Senators Bluechel, Fleming, Francis, Goltz, Gould, Grant, McDermott, Odegaard, Van Hollebeke, Washington, Wilson—11.

Absent or not voting: Senators Mardesich, Sandison, Talley, Wojahn—4.

Excused: Senators Buffington, Herr, Murray, Woody—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, as amended by the Senate, having failed to receive the constitutional two-thirds majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Francis, the Senate moved to reconsider the vote by which Engrossed Substitute House Bill No. 615, as amended by the Senate, failed to pass the Senate.

MOTION

On motion of Senator Walgren, Engrossed Substitute House Bill No. 615, as amended by the Senate, was made a special order of business for 2:00 p.m. today, on reconsideration.

MOTION

At 1:00 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

June 2, 1977.

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

MR. PRESIDENT:

We herewith respectfully transmit for your consideration, of a section vetoed by the governor of Substitute Senate Bill No. 2956, the remainder of which has been designated Chapter 141, Laws of 1977, First Extraordinary Session, together with a copy of the official veto message of the governor setting forth her objections to the section as provided by Article III, Section 12, of the Washington State Constitution.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the State of Washington, at Olympia on the 2nd day of June, 1977.

by DONALD F. WHITING
Deputy Secretary of State.

MESSAGE FROM THE GOVERNOR

PARTIAL VETO SUBSTITUTE SENATE BILL NO. 2956

Office of the Governor, June 1, 1977.

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

LADIES AND GENTLEMEN:

I am returning to you herewith without my approval as to one section, SUBSTITUTION SENATE BILL NO. 2956, entitled:

"An Act Relating to outdoor advertising; and adding a new section to chapter 47.42 RCW; and declaring an emergency."

Section 3 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

Although the intent of this bill requires compensation to be paid in those situations where signs are removed, there is no true emergency involved. For these reasons, I have vetoed this section.

With the exception of section 3, which I have vetoed, the remainder of Substitute Senate Bill No. 2956 is approved.

Sincerely,
DIXY LEE RAY
Governor.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2472.

MESSAGE FROM THE HOUSE

May 28, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2472, with the following amendments:

On page 3, line 24, after "traverses as" strike all the material down through "ORV tag" on line 25 and insert "permitting ORV travel"

On page 3, line 29, after "authority." strike all the material down through "ORV tag." on line 30

On page 5, line 17, after "within this state" strike all the material down through "ORV trails" on line 18

On page 5, beginning on line 30, strike all the material down through "ORV trails" on line 31 and insert "(under the provisions of this chapter)"

On page 6, beginning on line 35, add a new subsection (8) to read as follows:

"(8) Vehicles which are licensed pursuant to RCW 46.16 or in the case of non-residents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence."

On page 7, beginning on line 6, strike all the material down through "public highways." on line 9.

On page 7, line 18, after "dollars" strike all the material down through "highway operation" on line 20

On page 7, line 34, after "dollars" strike all the material down through "highway operation" on line 35

On page 14, line 2, after "facilities" strike all the material down to and including "ecology" on line 19.

On page 14, line 31, after "moneys" and before the semicolon insert ": PROVIDED, HOWEVER, That the department of natural resources, two months prior to the acquisition and development of such trails, areas, campgrounds and trailheads for off road vehicles, shall conduct a public hearing at a suitable location in the nearest town of five hundred population or more, and the department shall publish a notice of such hearing on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the county or counties where the property which is the subject of the proposed facility is located. The department of natural resources shall further file such notice of hearing with the department of ecology at the main office in Olympia and shall comply with the provisions of the state environmental policy act, chapter 43.21C RCW and regulations promulgated thereunder"

On page 16, beginning at line 24, insert a new subsection to read as follows:

"(2) The interagency committee shall require that each applicant conduct a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks in a newspaper of general circulation in the county or counties where the property which is subject of the proposed facility is located prior to the submission of its application. A written record and a magnetic tape recording of such hearings shall be included in the application to the committee."

Reumber the remaining section accordingly.

On page 18, line 12, after "subsections (1)" strike "through" and insert "((through)) , (2), (3) and", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2472.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2472, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—40.

Voting nay: Senators Grant, Newschwander, Wilson—3.

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

Excused: Senators Herr, Murray, Woody—3.

ENGROSSED SENATE BILL NO. 2472, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, by Committee on Judiciary (originally sponsored by Representatives Enbody, Knowles and McKibbin):

Enacting the "Comprehensive Sentencing Act of 1977".

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 615, as amended by the Senate, on reconsideration.

Debate ensued.

Senator Fleming moved the rules be suspended and Engrossed Substitute House Bill No. 615 be returned to second reading.

POINT OF INQUIRY

Senator Henry: "Will Senator Fleming yield to a question? Would you mind reading the amendment before we go back to second reading?"

Senator Fleming: "Senator, Senator Grant is working on a very technical amendment, and I don't know what the full text of that amendment might be at this point in time."

Senator Henry: "It looks to me like he is resting on it."

The motion by Senator Fleming failed.

POINT OF INQUIRY

Senator Buffington: "Thank you, Mr. President. I wondered if Senator Francis would yield to a question? Senator Francis, would you mind explaining to us, please, the committee's intent for the use of the term 'clear certainty' throughout the bill?"

Senator Francis: "Senator Buffington, the term 'clear certainty' is a standard that is higher than one of 'beyond a reasonable doubt', and it is used only if the jury has already found that the person has committed first degree murder under those circumstances in which they then have to go to the question of whether or not to impose the death penalty or whether it will merely be a term of life without possibility of parole.

"At that point they must determine if they are going to impose the death penalty that the person would commit other violent acts if released, and that that is probable.

"Then they also have to then go over what they have already decided beyond reasonable doubt, and they have to decide that the person did those acts convicted of, and that they are convinced of that with a clear certainty. The idea of that and the reason that the House members used that term was that if there was only a conviction 'beyond a reasonable doubt', but not a 'clear certainty' that the person

had done what I would refer to as aggravated first degree murder, then they would just have to decide that they would not impose the death penalty.

"So, that is their standard. It is a much higher standard than one of simply 'beyond a reasonable doubt'. They have to be 'clearly certain' that the person is guilty and that these aggravating circumstances have taken place, and that there are no mitigating circumstances sufficient to determine that it is not aggravated murder in the first degree."

The President declared the question before the Senate to be the roll call on final passage of 615, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 615, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 35; nays, 11; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Woody—35.

Voting nay: Senators Bluechel, Fleming, Goltz, Gould, Grant, McDermott, Odegaard, Van Hollebeke, Washington, Wilson, Wojahn—11.

Excused: Senators Herr, Murray—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, as amended by the Senate, having received the constitutional two-thirds majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 867.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 867, by Committee on Appropriations (originally sponsored by Representatives Sommers, Blair, Shinpoch, Wilson, Patterson, Hansen, Gilleland, Charnley and Barr):

Creating a revised LEOFF retirement system.

REPORT OF STANDING COMMITTEE

May 16, 1977.

SUBSTITUTE HOUSE BILL NO. 867, creating a revised LEOFF retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. APPLICATION TO CERTAIN PERSONS. Sections 2 through 14 of this 1977 amendatory act shall, on or after July 1, 1977, apply only to:

- (1) Those persons who are initially employed by an employer; or
- (2) Those members who have transferred pursuant to section 15 of this 1977 amendatory act.

NEW SECTION. Sec. 2. COMPUTATION OF THE RETIREMENT ALLOWANCE. A member of the retirement system shall receive a retirement

allowance equal to one and one-half percent of such member's final average salary for each year of service.

NEW SECTION. Sec. 3. RETIREMENT FOR SERVICE. (1) NORMAL RETIREMENT. Any member with five or more years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 2 of this 1977 amendatory act.

(2) **EARLY RETIREMENT.** Any member who has completed at least five years of service and attained age sixty-two shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 2 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **TRANSITION ALLOWANCE. (a)** Any member who has completed at least twenty years of service and has not attained the age of fifty-six, shall be eligible to receive, once only, for a period not to exceed two consecutive years a transition allowance equivalent to sixty percent of the basic salary.

(b) In addition, the member shall receive a grant, upon proof of registration and in accordance with rules adopted by the department, for the tuition or fee at an accredited postsecondary, vocational, or technical school. This grant shall not be given for more than two consecutive academic years and shall not exceed the biennial tuition required for a resident student at a state university.

(c) Upon attainment of the appropriate age, the member shall be eligible for the retirement allowance provided in subsections (1) or (2) of this section.

NEW SECTION. Sec. 4. POST-RETIREMENT COST-OF-LIVING. Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

(1) The original dollar amount of retirement allowance;

(2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";

(3) The index for the calendar year prior to the date of determination, to be known as "index B"; and

(4) The percentage amount when index B is divided by index A.

The percentage obtained, if any, shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the original retirement allowance;

(b) Exceed six percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than six percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 5. EMPLOYER, MEMBER, AND STATE CONTRIBUTIONS. The required contribution rates to the retirement system for members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: **PROVIDED**, That the cost of amortizing the unfunded supplemental present value of that portion of the retirement system, as in effect on June 30, 1977, shall be borne in full by the state.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute five and one-half percent of basic salary: PROVIDED, That the state shall initially contribute an additional twenty percent of basic salary per member to fund the cost of amortizing that portion of the unfunded supplemental present value of the retirement system as in effect on June 30, 1977.

NEW SECTION. Sec. 6. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES. Upon retirement for service as prescribed in section 3 of this 1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

NEW SECTION. Sec. 7. DISABILITY. Members of the retirement system shall receive disability benefits pursuant to Title 51 RCW and insurance benefits provided in whole or in part by employers.

NEW SECTION. Sec. 8. APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES. Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 3 or 10 of this 1977 amendatory act, or a member eligible to receive a transition allowance under section 3 of this 1977 amendatory act, shall be eligible to commence receiving such allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 3 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 3 of this 1977 amendatory act,

shall accrue from the first day of the calendar month immediately following such qualification.

(3) Retirement allowances paid as death benefits under the provisions of section 10 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 9. SUSPENSION OF RETIREMENT ALLOWANCE UPON EMPLOYMENT. No retiree under the provisions of sections 2 through 14 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance pursuant to section 3(1) and 3(2) of this 1977 amendatory act if such retiree enters service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

NEW SECTION. Sec. 10. DEATH BENEFITS. (1) Upon the death of a member who is not eligible for a retirement allowance pursuant to section 3 of this 1977 amendatory act, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) Upon the death of a member who is eligible for retirement, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 3(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 6 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 3(2) of this 1977 amendatory act. If a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority. If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike, calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

NEW SECTION. Sec. 11. SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE. (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 14 of this 1977 amendatory act.

(2) A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid authorized leave of absence and may receive up to two years of service credit upon compliance with the conditions imposed by this section.

NEW SECTION. Sec. 12. VESTED MEMBERSHIP. A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 3(1) or 3(2) of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 13. REFUND OF CONTRIBUTIONS. A member who ceases to be an employee of an employer may request a refund of the member's accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, initial payment shall be made within thirty days of receipt of request for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all rights to benefits under sections 2 through 14 of this 1977 amendatory act.

NEW SECTION. Sec. 14. REENTRY. A member, who as a previous member had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores the lesser of:

(1) All withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department; or

(2) The contributions which would have been required for such service pursuant to section 5 of this 1977 amendatory act plus interest thereon as determined by the department.

The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

NEW SECTION. Sec. 15. TRANSFER. (1) Members of the system who established membership on or before June 30, 1977, may irrevocably elect to be covered by sections 2 through 14 of this 1977 amendatory act. Such election shall be held pursuant to rules adopted by the department.

(2) Upon electing to be governed by sections 2 through 14 of this 1977 amendatory act, the member shall:

(a) Be subject to the membership provisions and benefit accrual provided for in sections 2 through 14 of this 1977 amendatory act; and

(b) Receive a refund of that portion of accumulated member contributions that represents the difference between the contribution required by section 5 of this 1977 amendatory act and RCW 41.26.080.

(3) The department shall provide each member eligible to make the election under this section with information which:

(a) Notifies the member of the election provision;

(b) Provides a comparison of system benefits; and

(c) Describes the potential refund available.

(4) The provisions of this section shall terminate on June 30, 1982.

Sec. 16. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before June 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after July 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after July 1, 1977, the provisions of this subparagraph shall not apply.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after July 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after July 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26-.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, ((stepchild)) and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before June 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after July 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before June 30, 1977, means ((~~(a)~~)) (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; ((~~(b)~~)) (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten

years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; ~~((c))~~ (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; ~~((d))~~ (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after July 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before June 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after July 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, but shall exclude payments for deferred unused sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service: PROVIDED, That in any year in which a member serves in the legislature such member's basic salary shall be the greater of: (i) The basic salary the member would have received had such member not served in the legislature; or (ii) such member's actual basic salary received for law enforcement or fire fighting work and legislative service combined; any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before June 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include ~~((a))~~ (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and ~~((b))~~ (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the

Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: **PROVIDED FURTHER**, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: **AND PROVIDED FURTHER**, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after July 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for seventy or more hours per calendar month.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Any person who is a member of the law enforcement officers' and fire fighters' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

If a member receives basic salary from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" for persons who establish membership in the retirement system on or before June 30, 1977, means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before June 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before June 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the department may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after July 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

NEW SECTION. Sec. 17. There is added to chapter 41.26 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to persons who establish membership in the retirement system on or before June 30, 1977: RCW 41.26.080, 41.26.090, 41.26.100, 41.26.110, 41.26.120, 41.26.130, 41.26.140,

41.26.150, 41.26.160, 41.26.190, 41.26.200, 41.26.240, 41.26.250 except as otherwise provided in section 4 of this 1977 amendatory act, RCW 41.26.260 and 41.26.270.

NEW SECTION. Sec. 18. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

NEW SECTION. Sec. 19. Sections 1 through 15 of this 1977 amendatory act shall be added to chapter 41.26 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

NEW SECTION. Sec. 20. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Sandison, Scott, Washington.

The bill was read the second time by sections.

Senator Marsh moved adoption of the committee amendment.

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

On page 1, after line 5, add a new section as follows:

"**NEW SECTION.** Section 1. **LEGISLATIVE FINDING.** It is the legislative finding that those employees who are presently members of the law enforcement officers' and fire fighters' retirement system may retain membership in this retirement system or may transfer into the parallel retirement system created by this act but in no instance shall there be any diminishment or loss of benefits or rights, whether current or prospective, of those employees, other than the provisions of disability, who retain their membership in the law enforcement officers' and fire fighters' retirement system and who were first employed on or before June 30, 1977."

Renumber the remaining sections accordingly.

On motion of Senator Jones, the following amendment by Senators Mardesich and Jones to the committee amendment was adopted:

On page 19, following line 2, add a new section to read as follows:

"**NEW SECTION.** Sec. ____ A select committee shall be appointed for the purpose of presenting findings and recommendations to the legislature not later than January 1, 1978 on potential revenue needs of counties, cities and towns relative to any increased cost to such political subdivisions for retirement systems resulting from the passage of this 1977 amendatory act. Such potential revenue needs shall be presented in a manner reflecting the incremental costs of such system corresponding to the incremental growth in membership subsequent to the enactment of this 1977 amendatory act.

The select committee shall consist of six members of the legislature: three members shall be appointed by the speaker of the house from the house of representatives, one of whom shall be the chairman of the standing committee on revenue; three members shall be appointed by the president of the senate from the senate, one of whom shall be the chairman of the standing committee on ways and means."

Renumber the remaining sections accordingly.

On motion of Senator Goltz, the following amendments by Senators Goltz and Marsh to the committee amendment were considered and adopted simultaneously:

On page 19, following line 2, add a new section to read:

"Section ____ Section 3, chapter 257, Laws of 1971 ex. sess. as last amended by Section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045 are each amended to read as follows:

Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter, until he has met and has been certified as having met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police or fire chief, shall not be required to meet the age standard: PROVIDED FURTHER, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provision of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: AND PROVIDED FURTHER, That for one year after February 19, 1974 any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he has previously withdrawn for any such system or systems."

Renumber the remaining sections accordingly.

On page 19, following line 2, add a new section as follows:

"Section ____ Chapter 131, Section 2, Laws of 1971 Ex. Sess. as amended by chapter 120, Section 12, Laws of 1974 and RCW 41.26.046 are each amended to read as follows:

By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer or fire fighter receives membership coverage unless and until he has actually met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police or fire chief shall not be required to meet the age standard. The retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer."

Renumber the remaining sections accordingly.

On motion of Senator Marsh, the following amendment by Senators Marsh and Scott to the committee amendment was adopted:

On page 19, following line 2, add a new section as follows:

"NEW SECTION. Sec. ____ There is added to chapter 41.26 RCW a new section to read as follows:

Notwithstanding any other provision of law to the contrary, the employer shall provide such information as required by the state actuary regarding the award of the disability leave allowance. Such information shall include, but shall not be limited to:

1. The number of persons receiving disability leaves;
2. The certified reason for disability; when the disability was initially incurred; and, if it was duty related;
3. The disability leave allowance paid and for how long;

4. The number of replacement personnel required to cover the loss of personnel on disability leave allowance and the resulting cost incurred; and,

5. The age of the employee and the length of service at the time of the disability leave.

The employer shall also provide such information as required by the state actuary regarding disability and medical benefit costs including, but not limited to, those required under provisions of this chapter.

The information required by this section shall be from March 1, 1970 forward." Renumber the remaining sections accordingly.

On motion of Senator Scott, the following amendment by Senators Marsh, Scott, Mardesich and Buffington to the committee amendment was adopted:

On page 19, following line 2, add a new section to read as follows:

"Sec. ____ Chapter 209, section 17, Laws of 1969 as last amended by chapter 120, section 5, Laws of 1974 and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: **PROVIDED**, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: **PROVIDED**, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: **PROVIDED**, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies ((or remarries)) and there are children as defined in RCW

41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date."

Senator Mardesich moved adoption of the following amendment to the committee amendment:

On page 19, following line 2, add a new section as follows:

"NEW SECTION. Sec. _____. A select committee shall be appointed for the purpose of presenting findings and recommendations to the legislature not later than January 1, 1978, on the on-going employment of law enforcement and fire fighting personnel in state and local government. The findings and recommendations of such select committee shall include, but not be limited to, the development of an inter-governmental personnel training program, in-service training, and preferential hiring.

The committee shall consist of six members of the legislature: three members shall be appointed by the speaker of the house of representatives from the house of representatives, one of whom shall be the chairman of the standing committee on local government and one of whom shall be the chairman of the standing committee on state government; three members shall be appointed by the president of the senate from the senate, one of whom shall be the chairman of the standing committee on local government and one of whom shall be the chairman of the standing committee on state government."

Renumber the remaining sections accordingly.

Debate ensued.

PERSONAL PRIVILEGE

Senator Talley: "Mr. Chairman, could I ask a question on personal privilege? I voted on the prevailing side on House Bill 867. I would like to move to reconsider, and I will tell you why I would like to move to reconsider and get your opinion on it. I would like to go back—"

REMARKS BY THE PRESIDENT

President Cherberg: "Senator Talley, the President does not wish to interrupt you, but there hasn't been a final vote on Substitute House Bill number 867."

PARLIAMENTARY INQUIRY

Senator Talley: "What number was the death penalty bill?"

REPLY BY THE PRESIDENT

President Cherberg: "The death penalty bill was 615."
Further debate ensued.

PERSONAL PRIVILEGE (CONTINUED)

Senator Talley: "Well, I am not on 615, I am sorry. On 615, would it be in order to move to reconsider? I would like to put it back to second reading and hang this bill on it. I think it needs the death penalty bad."

PERSONAL PRIVILEGE

Senator Talley: "Personal privilege. I would like to say to Senator Marsh and to Senator Clarke, you keep referring to longshoremens and their retirement. Well, I

am not a longshoreman, but I work for a port district, and the longshoremen under Harry Bridges' leadership have one of the best retirement systems in the world.

"Another question to you sir. I have an amendment being prepared and it will have to wait for some time from the pollution control commission and are there very many more amendments to be considered?"

President Cherberg: "Several more, Senator Talley."

Senator Talley: "I have an amendment being prepared that we will furnish to these policemen when they reach the age of fifty-five a motorized skateboard because I don't think they are going to be able to catch these young fellows and their runners unless they say, 'you run a hundred yards and stop and we will breathe awhile, and then we will run again,' but as soon as the pollution control can assure me that my skateboard will pass the test then mine will be ready."

The motion by Senator Mardesich carried and the amendment to the committee amendment was adopted on a rising vote.

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 1, beginning on line 38, strike all the matter down through page 2, line 15.

Debate ensued.

POINT OF INQUIRY

Senator Talley: I wonder if Senator Marsh would yield? Senator Marsh, you have talked about degrees, and I don't think I clearly understood you. I know my hearing is not the best. Did you say they would get a BA degree or a BS degree?"

Senator Marsh: "I bet you that they would probably get either a BA or BS which you know, Senator Talley, stands for Bachelor of Science and Bachelor of Arts."

POINT OF INQUIRY

Senator Ridder: "Will Senator Marsh yield to a question? Senator, we are presuming that under the transition allowance a fire fighter or policeman may very possibly be fitted for some other public employment, and in fact, the fourth bill would implement that, the theory of portability. I am wondering what the pension would be based upon if they were to enter the PERS system. Fire fighters and policemen are paid fairly well these days, but many of our public employees in general are not paid nearly as well. On what salary would the pension be based then presuming that a retired fire fighter enters the PERS system for ten years?"

Senator Marsh: "The pension benefit of such an individual with ten years service in the PERS system after having completed the LEOFF system, and assuming that the portability bill does pass, would be based on the highest five years."

Senator Ridder: "That is different from what is in this bill, then."

Senator Marsh: "No, it is not. The pension here is based on the highest five years."

Senator Ridder: "Then perhaps I misunderstood where it says 'such member's final average salary.'"

Senator Marsh: "We are talking about, as far as the transition allowance, is highest salary. Are you referring to section 3, subsection 3, Senator?"

Senator Ridder: "I am referring to section 2, line 18."

Senator Marsh: "Line 18 merely sets out the computation of the credit that is earned for years of service, one and a half percent a year for each year of service, so that if a member had ten years service, he would have a fifteen percent pension. With twenty years, he would have a thirty percent pension, thirty years, forty-five percent pension, and so on."

Senator Ridder: "My concern is, and Senator Mardesich is looking through the bill for me, as to whether the definition says, 'the five final years' or 'the five highest', because it is conceivable that the final years, the final ten years still might not come up to the average of a final LEOFF system salary."

Senator Marsh: "Senator Ridder, that particular definition of 'final average salary' is set out towards the end of the bill, and it is on page 13, and it reads as follows: 'final average salary for persons who establish membership in the retirement system on or after July 1, 1977 means the monthly average of the member's basic salary for the highest consecutive sixty years of service'"

Senator Ridder: "Sixty months, I hope."

Senator Marsh: "Sixty months of service prior to such member's retirement, termination or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary."

Senator Ridder: "I would contend that unless some correction is made, you are subjecting these people to a retirement that would be a greater percentage but a smaller total final average salary."

REMARKS BY SENATOR SCOTT

Senator Scott: "Senator Ridder, there are two reasons why that probably would not be the case. It conceivably could be the case that there were very low salaries taken in the second profession, but the individual continues to earn service credit which is going to increase the multiplier on the salary paid so that the second thing is that the second income, the second job, is going to be at a later date and inflation itself will move the retirement into a higher bracket unless that second salary is drastically lower."

REMARKS BY SENATOR JONES

Senator Jones: "Mr. President, in partial response to Senator Ridder, the portability bill, I think if you would take a look at that answer is that it is somewhat in detail, and it is an average of the two and will tend to flow to the highest figure, and if they would take a look at the portability bill I believe it answers that specifically, which we hope to pass after this measure."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Jones yield to a question? Senator Jones, you inferred to Senator Ridder that the portability was the answer. It is my understanding that if this policeman or fireman takes the transition, gets educated and gets the BS degree that Senator Marsh was throwing around here, then goes to work on the other job and achieves four years at the other job and then has to retire. He has not qualified for another retirement system, so he gets the return of his benefits and is thrown out on the scrap heap. Is this correct? He gets the return of what he paid in."

Senator Jones: "You lost me somewhere after that 'BS degree', I think, and—"

Senator Rasmussen: "It requires five years to vest, Senator, and he has not been able—he is transitional now. He has gone—"

Senator Jones: "He goes into another system, right?"

Senator Rasmussen: "He does not get in five years, so then—"

Senator Jones: "There is no necessity for another five years. It is cumulative. It adds on. There is no necessity, it vests for five years in the other system. It is a direct add on—"

Senator Rasmussen: "Then I didn't read it right, and I would suggest that you reread it also."

Senator Jones: "I have checked with the people who wrote it, and I read it correctly, I believe."

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 2, line 11, after "university" and before the period insert ": PROVIDED, That the state shall guarantee reemployment to the member until age sixty-five at a salary no less than that paid to the position held at time of termination"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained by Senators Talley, Washington, Fleming, Ridder, Grant, Pullen and Goltz.

MOTIONS

Senator Odegaard moved that Senator Sandison be excused.

On motion of Senator Mardesich, the motion by Senator Odegaard was amended and Senator Sandison was excused for the roll call on the amendment by Senator Rasmussen to the committee amendment only.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Rasmussen to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 7; nays, 37; absent or not voting, 1; excused, 3.

Voting yea: Senators Fleming, Francis, Odegaard, Pullen, Rasmussen, Ridder, Talley—7.

Voting nay: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Peterson, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senator Woody—1.

Excused: Senators Herr, Murray, Sandison—3.

There being no objection, on motion of Senator Rasmussen, the amendment to page 3, line 35 to the committee amendment, on the desk of the Secretary of the Senate, was withdrawn.

Senator Wojahn moved adoption of the following amendment by Senators Wojahn and Goltz to the committee amendment:

On page 1, line 26 after the period add the following:

"PROVIDED, That members attaining age seventy-five must retire from the police or fire service."

Debate ensued.

The motion failed and the amendment to the committee amendment was not adopted.

Senator Jones moved adoption of the following amendment by Senators Jones and Marsh to the committee amendment.

On page 4, line 43, strike all of line 43 and down through "benefits" on line 44, and insert "coverage pursuant to Title 51 RCW, as now or hereafter amended, and insurance coverage"

Debate ensued.

The motion by Senator Jones carried and the amendment to the committee amendment was adopted.

Senator Grant moved adoption of the following amendment to the committee amendment:

On page 5, line 41, after "the" and before "death" insert "non-duty related"
Debate ensued.

The motion by Senator Grant failed and the amendment to the committee amendment was not adopted.

Senator Grant moved adoption of the following amendment to the committee amendment:

On page 6, line 43 after the period add the following: "(3) upon the death of a member from duty-related causes, his surviving spouse shall receive a monthly retirement allowance equal to sixty percent of salary at the date of death."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Grant yield to a question, please? Senator Grant, I don't see any provision in here regarding the marriage of the spouse. If the spouse were to remarry the day after the funeral and marry a millionaire, the law should still be that he or she would receive a sixty percent pension?"

Senator Grant: "Senator, I would have no problem with rewriting this to provide for the remarriage situation you have talked about. It has taken me quite a bit of time to work this one up, but I will spend some time on that."

Further debate ensued.

There being no objection, on motion of Senator Grant, the amendment to the committee amendment was withdrawn.

Senator Talley moved adoption of the following amendment to the committee amendment:

On page 19, beginning on line 29, strike all of section 21, and insert:

"NEW SECTION. Sec. 21. This 1977 amendatory act shall take effect July 1, 1980.

Debate ensued.

The motion by Senator Talley failed and the amendment to the committee amendment was not adopted.

Further debate ensued.

Senator Grant moved adoption of the following amendment to the committee amendment:

On page 18, line 33 after the period insert, "for persons who establish membership in the retirement system on or after July 1, 1977, every employer shall provide a medical insurance program to provide coverage for medical costs.

Any officer receiving disability benefits under the provisions of section 7 of this act shall be eligible to receive benefits covering all medical expenses incurred which relate directly to the condition giving rise to the duty disability.

"Medical expenses" means hospital expenses for board and room not to exceed a semiprivate room rate unless a private room is required by the attending physician and other necessary hospital services; fees for licensed physicians, surgeons, osteopaths, chiropractors, dentists, registered nurses, optometrists, and physical therapists; charges for drugs and medicines upon a physician's prescription, diagnostic x-ray and laboratory examinations, x-ray, radium, and radioactive isotopes therapy, anesthesia and oxygen, rental of iron lung and other durable medical and surgical equipment, artificial limbs and eyes, and casts, splints, and trusses; professional ambulance services, blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors; and nursing home confinement or hospital extended care facility."

Debate ensued.

The motion by Senator Grant failed and the amendment to the committee amendment was not adopted.

Senator Talley moved adoption of the following amendment by Senators Talley, Grant, Pullen, Murray, Rasmussen, Walgren, Wojahn, Keefe and Henry to the committee amendment:

Beginning on page 1, after line 5, of the Senate Committee Amendment to Substitute House Bill No. 867, strike the remainder of the amendment and insert the following:

"Section 1. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before June 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after July 1, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) (a) "Law enforcement officer" for persons who establish membership in the retirement system on or before June 30, 1977, means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

((~~a~~)) (i) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

((~~b~~)) (ii) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14-.070 except a private secretary will be considered law enforcement officers;

((~~c~~)) (iii) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

((~~d~~)) (iv) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW.

(b) "Law enforcement officer" for persons who establish membership in the retirement system on or after July 1, 1977, means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including

sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(i) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(ii) Only those deputy sheriffs, including those serving under a different title pursuant to a county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(iii) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers.

(4) (a) "Fire fighter" for persons who establish membership in the retirement system on or before June 30, 1977, means:

((fa)) (i) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

((fb)) (ii) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

((fc)) (iii) supervisory fire fighter personnel;

((fd)) (iv) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW;

((fe)) (v) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW;

((ff)) (vi) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

((fg)) (vii) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(b) "Fire fighter" for persons who establish membership in the retirement system on or after July 1, 1977, means:

(i) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(ii) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination; and

(iii) supervisory fire fighter personnel;

(iv) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which a dispatcher was required to have passed a civil service examination for fireman or fire fighter.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26-.050. The retirement board shall be called the Washington law enforcement officers'

and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, ~~((stepchild))~~ and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, any individual serving as a chief of police or fire chief for two or more employers pursuant to an agreement entered into by and between two or more employers, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date who meets the minimum medical and health standards required in RCW 41.26.045 as now or hereafter amended.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before June 30, 1977, means ~~((a))~~ (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; ~~((b))~~ (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; ~~((c))~~ (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; ~~((d))~~ (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after July 1, 1977, means (i) the annual average of the greatest basic salaries payable to a member during any three year period of service in the last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected thirty-six month period by thirty-six; (ii) in the case of disability of any member, the basic salary

payable to such member at the time of disability retirement. The term "final average salary" for persons who establish membership in the retirement system on or after July 1, 1977, shall not include any of the following:

(A) Payments for deferred compensation, unused sick leave, accumulated vacation or annual leave, or other credits for personal services not rendered;

(B) Any form of termination or severance pay;

(C) Any additional compensation paid in anticipation of retirement.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before June 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after July 1, 1977, means the basic monthly rate of salary or wages, including longevity pay and disability leave allowances but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (a) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and (b) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only

be credited with service to one such employer for any month during which he rendered such dual service.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110.

(19) (a) "Disability leave" for persons who establish membership in the retirement system on or before June 30, 1977, means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement.

(b) "Disability leave" for persons who establish membership in the retirement system on or after July 1, 1977, means: (i) For a disability incurred in line of duty, the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement; and (ii) for a disability not incurred in line of duty the period of two months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement.

(20) "Disability retirement" means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

- (C) X-ray, radium, and radioactive isotopes therapy;
- (D) Anesthesia and oxygen;
- (E) Rental of iron lung and other durable medical and surgical equipment;
- (F) Artificial limbs and eyes and casts, splints, and trusses;
- (G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;
- (H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;
- (I) Nursing home confinement or hospital extended care facility;
- (J) Physical therapy by a registered physical therapist;
- (K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

NEW SECTION. Sec. 2. There is added to chapter 41.26 RCW a new section to read as follows:

The provisions of this section shall apply only to persons who establish membership in the retirement system on or after July 1, 1977.

Contributions from members, employers, and the state of Washington shall be in accordance with the provisions of this section.

The total liability of this system shall be funded as follows:

(1) Every member shall have deducted from each payroll a sum equal to seven percent of his basic salary, including payments received while on disability leave, for each pay period.

(2) Every employer shall contribute monthly a sum equal to seven percent of the basic salary, including payments received while on disability leave, of each employee who is a member of the retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(3) The actuarial valuation required by RCW 41.26.060(2) shall establish the total liability for the retirement system. The total liability shall be divided into current service liability and prior service liability. The contributions of the members and employers required by subsections (1) and (2) of this section shall be applied toward the current service liability with the balance of the current service liability to be the responsibility of the state of Washington. The prior service liability shall be amortized over a period of not more than forty years from March 1, 1970. The amount thus computed for prior service liability shall be added to that amount of current service liability which is the responsibility of the state and the total amount shall be appropriated from the state general fund.

The total amount required for each biennium shall be reported to the governor by the director of the retirement system, upon approval of the board, for inclusion in the biennial budget. The legislature shall make the necessary state general fund appropriation for the total amount to the Washington law enforcement officers' and fire fighters' retirement fund. The transfer of funds from the state general fund to the retirement system shall be at a rate determined by the board of trustees on the basis of the latest actuarial valuation. The amount of such transfers for a biennium shall not exceed the total amount appropriated by law.

(4) Every member shall be deemed to consent and agree to the contribution made and required by this section, and shall receipt in full for his basic salary. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except for his claim to the benefits to which he may be entitled under the provisions of this chapter.

Sec. 3. Section 24, chapter 209, Laws of 1969 ex. sess. as last amended by section 13, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.240 are each amended to read as follows:

For purposes of this section of this chapter:

(1) "Index" shall mean, for any calendar year, that year's average Consumer Price Index—Seattle, Washington area for urban wage earners and clerical workers, all items (1957-1959=100), compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Retirement allowance" shall mean the retirement allowance provided for in RCW 41.26.100 and 41.26.130, and the monthly allowance provided for in RCW 41.26.160.

Effective April 1 of 1971, and of each succeeding year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

For the purposes of this section, basic allowance shall mean that portion of a total retirement allowance, and any cost of living adjustment thereon, attributable to a member (individually) and shall not include the increased amounts attributable to the existence of a child or children. In those cases where a child ceases to be qualified as an eligible child, so as to lessen the total allowance, the allowance shall, at that time, be reduced to the basic allowance plus the amount attributable for the appropriate number of eligible children. In those cases where a child qualifies as an eligible child subsequent to the retirement of a member so as to increase the total allowance payable, such increased allowance shall at the time of the next and appropriate subsequent cost of living adjustments, be considered the original dollar amount of the allowance.

The provisions of this section shall apply only to those persons who establish membership in the retirement system on or before June 30, 1977, and to the beneficiaries of such persons.

NEW SECTION. Sec. 4. There is added to chapter 41.26 RCW a new section to read as follows:

Periodic adjustment of retirement allowances payable under the provisions of this chapter to persons first establishing membership in the retirement system on or after July 1, 1977, and to the beneficiaries of such persons, shall be made only in accordance with the provisions of this section.

(1) "Index" shall mean, for any calendar year, that year's average Consumer Price Index—Seattle, Washington area for urban wage earners and clerical workers, all items—compiled by the Bureau of Labor Statistics, United States Department of Labor.

(2) "Cost-of-living factor" for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that in no event shall the cost-of-living factor be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor.

(3) "Retirement allowance" shall mean any retirement allowance, disability allowance, or survivorship benefit payable under the provisions of this chapter.

(4) Effective April 1, 1978, and on April 1st of each succeeding year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement

date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

NEW SECTION. Sec. 5. There is added to chapter 41.26 RCW a new section to read as follows:

The department of retirement systems shall provide the state actuary:

(1) A quarterly balance sheet which clearly shows the value of all securities and/or other assets held in the investment portfolio of the retirement system. The report shall show the value of the securities at cost, as of date of purchase, and at market as of the date of the report. For comparative purposes such report shall contain like information for the same quarter in the previous year.

(2) An annual report based on the quarterly data required by subsection (1) of this section which shall contain a comparison with quarterly data of the previous five years. The annual report shall include the total benefit payments made for the previous year as compared with the total benefit payments made for each of the previous five years. The annual report shall contain an estimate of what the total benefit payments might be over the next succeeding five year period if the experiences for the year under consideration were to remain constant.

Sec. 6. Section 3, chapter 257, Laws of 1971 ex. sess. as amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045 are each amended to read as follows:

Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter, until he has met and has been certified as having met minimum medical and health standards: PROVIDED, That an elected sheriff or appointed police or fire chief shall not be required to meet the age standard: PROVIDED FURTHER, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: AND PROVIDED FURTHER, That for one year after February 19, 1974 any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he has previously withdrawn from any such system or systems: AND PROVIDED FURTHER, That application of the minimum medical and health standards as required by this section shall not constitute a violation of chapter 49.60 RCW.

Sec. 7. Section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120 are each amended to read as follows:

Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the retirement board as hereinafter provided, for any disability which has been continuous since his discontinuance of active service and which renders him unable to continue his service, whether incurred in the line of duty or not. No disability retirement allowance shall be paid until the expiration of a period of six months after the disability is incurred during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such period. However, if, at any time during the

initial six-month period, the disability board finds the beneficiary is no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of active service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the retirement board in accordance with RCW 41.26.200: PROVIDED, That the disability board shall make a finding of whether or not the disability was incurred in line of duty.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record, except the finding of whether or not the disability was incurred in line of duty; and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the state board as provided in subsection (3) above.

The provisions of this section shall apply only to those persons who establish membership in the retirement system on or before June 30, 1977.

NEW SECTION. Sec. 8. There is added to chapter 41.26 RCW a new section to read as follows:

Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the retirement board as hereinafter provided, for any disability which has been continuous since his discontinuance of active service and which renders him unable to continue his service, whether incurred in the line of duty or not. No disability retirement allowance shall be paid until the expiration of the applicable disability leave period during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of the application for disability retirement, shall be granted the applicable disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such period. However, if, at any time during the initial applicable disability leave period, the disability board finds the beneficiary is

no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member's employer, of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: **PROVIDED**, That no such application shall be considered unless said member's employer, said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member: **PROVIDED FURTHER**, That where a member terminates employment by retirement and subsequently develops a disabling cardiovascular or respiratory condition, he shall be allowed to apply, within five years of the termination of employment, and shall receive a duty disability retirement allowance commencing as of the date the duty disability retirement allowance is granted and he shall thereafter be entitled to those medical services granted by RCW 41.26.150 to duty disability retirees.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of active service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the retirement board in accordance with RCW 41.26.200: **PROVIDED**, That the disability board shall make a finding of whether or not the disability was incurred in line of duty: **PROVIDED FURTHER**, That any disability which results from a cardiovascular or respiratory condition shall be conclusively presumed to have been incurred in the line of duty.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record, except the finding of whether or not the disability was incurred in line of duty; and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty may waive the applicable period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the state board as provided in subsection (3) of this section.

The provisions of this section shall apply only to those persons who establish membership in the retirement system on or after July 1, 1977.

NEW SECTION. Sec. 9. There is added to chapter 41.26 RCW a new section to read as follows:

Beginning January 1, 1978, and each January 1st thereafter, an employer shall grant fifteen working days of sick leave to each member employed on that date. The use of such sick leave days shall be subject to the rules and regulations of the employer granting the leave. Sick leave shall not accumulate from year to year.

Members employed after January 1st during any year shall be granted sick leave on a pro rata basis of one and one-fourth days per calendar month for that portion of the year remaining at the time they are employed. Members employed between July 1, 1977, and December 31, 1977, shall be granted sick leave on a pro rata basis as herein provided.

Disability leave payments provided for in RCW 41.26.120 as now or hereafter amended, will commence only after such a member has used three consecutive days or all of his accumulated sick leave, whichever is less.

The provisions of this section shall not be construed to affect the rights of members and employers to collectively bargain for sick leave in excess of that provided for in this section.

The provisions of this section shall apply only to those persons who establish membership in the retirement system on or after July 1, 1977.

Sec. 10. Section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130 are each amended to read as follows:

(1) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in RCW 41.26.030(7), (c) the combined total of subsections (1)(a) and (1)(b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall begin receiving his disability retirement allowance as of the expiration of his six month period of disability leave or, if his application was filed after the sixth month of disability but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall, at the discretion of the disability board, be subject to a semiannual medical examination by a physician approved by the disability board prior to his attainment of age fifty.

The provisions of this section shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

NEW SECTION. Sec. 11. There is added to chapter 41.26 RCW a new section to read as follows:

(1) Upon retirement for disability incurred in line of duty a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child, (c) the combined total of subsections (1)(a) and (1)(b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) Upon retirement for a disability not incurred in line of duty a member shall be entitled to receive a monthly retirement allowance in an amount equal to forty percent of final average salary.

(3) A disabled member shall begin receiving his disability retirement allowance as of the expiration of the applicable period of disability leave or, if his application

was filed after the applicable period of disability leave but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the applicable period of disability leave.

(4) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(5) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(6) A member retired for disability shall, at the discretion of the disability board, be subject to a semiannual medical examination by a physician approved by the disability board prior to his attainment of age fifty.

The provisions of this section shall apply only to persons who establish membership in the retirement system on or after July 1, 1977.

Sec. 12. Section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140 are each amended to read as follows:

(1) Upon the basis of a semiannual reexamination of members on disability retirement, the disability board shall determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this chapter.

The provisions of this section shall apply only to persons who establish membership in the retirement system on or before June 30, 1977.

NEW SECTION. Sec. 13. There is added to chapter 41.26 RCW a new section to read as follows:

(1) Upon the basis of a semiannual reexamination of members on disability retirement, the disability board shall determine whether such disability beneficiary is

still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should a disability beneficiary prior to attaining age fifty engage in a gainful occupation, the retirement system shall upon notification of such employment, reduce the amount of his future monthly retirement allowances to an amount which is equal to the difference between the monthly compensation previously earned by him in such occupation and one hundred percent of the monthly basic salary which was then being paid for the position or rank the retired member held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the disability board every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the retirement system may further alter his retirement allowance as indicated above. The failure of any member to file the required statement of earnings shall be cause for cancellation of retirement benefits.

(6) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this chapter.

The provisions of this section shall apply only to persons who establish membership in the retirement system on or after July 1, 1977.

Sec. 14. Section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.150 are each amended to read as follows:

(1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires medical services, the employer shall pay for such active or retired member the necessary medical services not payable from some other source as provided for in subsection (2). In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where such fund had been established prior to March 1, 1970: PROVIDED, That in the event the pension fund is depleted, the employer shall have the obligation to pay all benefits payable under chapters 41.16 and 41.18 RCW: PROVIDED FURTHER, That the disability

board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: AND PROVIDED FURTHER, That the disability board shall designate the medical services available to any sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries or for the payment of the cost of medical services in connection with a member's sickness or disability to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers' and fire fighters' retirement system, and/or retired former employees who were, before retirement, members of said retirement system, through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any such plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

The provisions of this section shall apply only to those persons establishing membership in the retirement system on or before June 30, 1977.

NEW SECTION. Sec. 15. There is added to chapter 41.26 RCW a new section to read as follows:

(1) Whenever: (a) Any active member as a result of duty related causes, or (b) any member hereafter retired, on account of a disability incurred in line of duty (not caused or brought on by dissipation or abuse, of which the disability board shall be judge) is confined in any hospital or in his home, and whether or not so confined, requires medical services, the employer shall pay for such active or retired member the necessary medical services not payable from some other source as provided for in subsection (2) of this section. The disability board in all cases may have the active or retired member suffering from such disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: AND PROVIDED FURTHER, That when an active member requires medical services for the treatment of conditions relating to the cardiovascular or respiratory system, such required medical service shall be conclusively presumed to

by the result of duty related causes: **AND, PROVIDED FURTHER**, That the disability board shall designate the medical services available to such sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries or for the payment of the cost of medical services in connection with a member's sickness or disability to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers' and fire fighters' retirement system, and/or retired former employees who were, before retirement, members of said retirement system, through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any such plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

(5) Every employer shall establish for its members a medical insurance program to provide coverage for those medical costs arising from nonduty related causes. The provisions of such program and the terms and conditions under which it is offered shall be at least equal to such coverage as is provided to the general employees of the employer.

The provisions of this section shall apply only to persons who establish membership in the retirement system on or after July 1, 1977.

Sec. 16. Section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: **PROVIDED**, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian: **PROVIDED FURTHER**, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his

retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: **PROVIDED**, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: **PROVIDED**, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

The provisions of this section shall apply only to those persons who established membership in the retirement system on or before June 30, 1977.

NEW SECTION. Sec. 17. There is added to chapter 41.26 RCW a new section to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or eighty percent of the amount of retirement allowance the vested member would have received at age fifty, or eighty percent of the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of the allowance paid the surviving spouse of an active member will be increased five percent of final average salary for each child, subject to a maximum combined allowance of sixty percent of final average salary: **PROVIDED**, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian: **PROVIDED FURTHER**, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: **PROVIDED**, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of an active member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. If there be no surviving spouse eligible to receive benefits at the time of the death of a member who was vested with more than twenty years of service or who was retired for service or disability, the child or children shall receive an amount equal to that which would have been paid the surviving spouse. When there cease to be any eligible children, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

The provisions of this section shall apply only to those persons who establish membership in the retirement system on or after July 1, 1977.

NEW SECTION. Sec. 18. There is added to chapter 41.26 RCW a new section to read as follows:

The retirement board, on or before January 1, 1978, shall select and designate individual medical authorities or professional associations, corporations, group health organizations, or clinics of medical authorities to examine and make recommendations concerning disability retirements to local disability boards. Such selection and designation shall be made upon the basis of bids made by those who desire to provide such services. The retirement board shall designate a sufficient number of such individuals, professional associations, corporations, or organizations so as to provide state-wide geographic distribution of such services. The retirement board may select or designate such additional medical authority or authorities as it deems appropriate. No disability retirement or cancellation of disability retirement shall be approved by a local disability board except upon the recommendation of a medical authority or authorities selected and designated pursuant to this section. No recommendation of a medical practitioner shall be accepted if he or she is the personal medical authority of the member involved.

The provisions of this section shall apply only to those persons who establish membership in the retirement system on or after July 1, 1977.

NEW SECTION. Sec. 19. There is added to chapter 41.26 RCW a new section to read as follows:

It is the intent of the legislature that differences in total compensation, created by the enactment of this 1977 amendatory act, between those persons who establish membership in the retirement system on or before June 30, 1977, and for those persons who establish membership in the retirement system on or after July 1, 1977, shall not be subject to collective bargaining or arbitration between employers and members, except as provided in section 9 of this 1977 amendatory act.

NEW SECTION. Sec. 20. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. The effective date of this 1977 amendatory act shall be July 1, 1977."

Debate ensued.

POINT OF ORDER

Senator Grant: "Point of order, Mr. President. I am not sure whether Senator Mardesich is discussing the amendment as proposed by Senator Talley and Senator Pullen and others. He, I think, is discussing the merits of general pension reform, and I think he should be entitled to do that at the proper order of business."

Further debate ensued.

Senator Talley demanded a roll call and the demand was sustained by Senators Walgren, Rasmussen, Keefe, Henry, Day, Ridder, Wojahn and Pullen.

MOTION

On motion of Senator Odegaard, Senator Sandison was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Talley, Grant, Pullen, Murray, Rasmussen, Walgren, Wojahn, Keefe and Henry to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; nays, 24; excused, 3.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Monohon, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Talley, von Reichbauer, Walgren, Wojahn—21.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Scott, Sellar, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—24.

Excused: Senators Herr, Murray, Sandison—3.

The President declared the question before the Senate to be the adoption of the committee amendment, as amended.

Debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Rasmussen, Talley, Fleming, Donohue, Odegaard, Henry, Ridder, Pullen and von Reichbauer.

The President declared the question before the Senate to be the roll call on adoption of the committee amendment, as amended.

ROLL CALL

The Secretary called the roll and the committee amendment, as amended, was not adopted by the following vote: Yeas, 22; nays, 23; excused, 3.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Scott, Sellar, Van Hollebeke, Wanamaker, Woody—22.

Voting nay: Senators Bausch, Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Monohon, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—23.

Excused: Senators Herr, Murray, Sandison—3.

MOTION

Senator Walgren moved the rules be suspended, Substitute House Bill No. 867 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

MOTION

Senator Marsh moved that Substitute House Bill No. 867 be held for further consideration on the second reading calendar for June 3, 1977.

POINT OF INQUIRY

Senator Talley: "Would Senator Marsh yield? Could you give us your reasons for wanting to hold it over?"

Senator Marsh: "Certainly, Senator Talley. Senator Gordon Sandison is absent, and there are others that are absent. Senator Gordon Herr is absent. Senator Murray is absent. There are others who are absent. If we have an opportunity overnight to consider what we have done, to have the other Senators present, I think there is an opportunity that we can work out something in the way of pension reform. I think if you want to force a vote here tonight, then I think you are going to kill pension reform for this session, so I would hope that you would agree. I hope that you would agree to set this over one day. We have done this on every other measure that I know of in this session of the legislature on request."

Senator Talley: "Senator Marsh, will you yield to another question? I think there were several times during debate that there was a motion made to hold this bill and to set it down, and you objected strenuously to that. I don't quite understand your action now."

Senator Marsh: "Well, the facts are that some of the Senators have left due to the lateness of the hour, and they will be here tomorrow."

Senator Talley: "I can't see any that have left. Oh, has Gordon Sandison left?"

POINT OF INQUIRY

Senator Mardesich: "Would Senator Walgren yield? Did I understand you to indicate that you were in favor of setting this measure over?"

Senator Walgren: "I said I had no objection to setting the measure over, no."

Senator Mardesich: "And you would vote that way if it were put to a roll call?"

Senator Walgren: "I don't think you even have to have a roll call vote. I said that the measure can be set over, and I don't think anybody is going to object to doing that, Senator Mardesich, and I pointed out before that we have done everything conceivable to let this measure come up, and it should come up, and it should be heard, and I think everybody should have an opportunity of being here and voting on it, their own convictions."

Senator Mardesich: "That is what I thought you told me earlier, and I just wanted to hear you say it again."

Senator Walgren: "That is right."

The motion by Senator Marsh carried and concurred in by Senator Walgren. Substitute House Bill No. 867 will be held for further consideration on the second reading calendar for June 3, 1977.

MOTION

At 4:37 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, June 3, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, June 3, 1977.

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

The Color Guard, consisting of Pages Sonja Silver and Bill von Reichbauer, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"IN ANCIENT ROME STOOD THE ROYAL CITY OF POMPEII. THE ROYAL RESIDENCE THERE WAS UNDER THE CONSTANT PROTECTION OF GUARDS, WHO STOOD FAITHFULLY AT THE DOORS. WHEN MOUNT VESUVIUS ERUPTED IN 79 A.D., THE ENTIRE CITY WAS INUNDATED BY MOLTEN LAVA. ONLY AT ITS EXCAVATION WAS IT DISCOVERED THAT TWO GUARDS NEVER LEFT THEIR POST.

"ONE OF YOUR COLLEAGUES REMINDS ME OF THOSE GUARDS. YOU ARE OPERATING ONE MAN SHORT TODAY, AND WHAT A MAN HE IS.

"THIS MORNING FRANK J. WOODY FINALLY WENT HOME; HOME TO HIS THIRTY-NINTH DISTRICT, HOME TO HIS COMMUNITY OF WOODINVILLE, HOME TO HIS WIFE, DIANNE; HOME TO HIS CHILDREN, ELIZABETH AND PATRICK.

"FOR THE PAST WEEKS, SENATOR WOODY HAS BEEN CRITICALLY ILL. BUT HE HAS BEEN FAITHFUL TO HIS TASKS. HE HAS ATTENDED THE SESSIONS OF THE SENATE, HIS COMMITTEE MEETINGS, PARTY CAUCUSES, AND HE HAS MAINTAINED HIS OFFICE AS A SENATOR. FOR THE PAST DAYS HE HAS BEEN EXTREMELY WEAK, AND MOST RECENTLY IN PAIN. BARELY ABLE TO GET UP AND DRESSED OR MOVE ABOUT. FOR THE PAST FEW DAYS HE HAS PARTICIPATED FROM HIS HOSPITAL BED, LOCATED IN THE SENATE LOUNGE. BUT HE HAS BEEN ON DECK FOR THE ARGUMENTS AND DEBATES AND HE HAS TAKEN PART IN CRITICAL VOTES IMPORTANT TO HIM, TO HIS CONSTITUENCY, AND TO THE STATE OF WASHINGTON. I AM PROUD OF THAT MAN. AREN'T YOU?

"LET US JOIN IN SILENT PRAYER FOR SENATOR WOODY, FOR DIANNE, ELIZABETH AND PATRICK. AND LET US GIVE THANKS FOR HIS FAITHFULNESS.

(SILENT PRAYER)

"HEAR US, O LORD, FOR YOUR SERVANT AND OUR COLLEAGUE, FRANK J. WOODY. GRANT TO HIM COMFORT OF BODY, TO MATCH HIS STALWART DETERMINATION, AND PEACE OF MIND TO MATCH HIS FAITHFUL SERVICE. BLESS HIS FAMILY AND ALL IN HIS DISTRICT. HELP THE MEMBERS OF THE SENATE TO DO THEIR WORK TODAY WITH PERSEVERANCE, DIGNITY AND HONOR, TO MATCH HIS. IN THE MASTER'S NAME. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 2, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 2, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2453: Modifying restrictions on small loan companies.

SUBSTITUTE SENATE BILL NO. 2731: Providing for designation of specialty plumbers and revising other laws on plumbing.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

June 2, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 113,

HOUSE BILL NO. 286,

HOUSE BILL NO. 417,

HOUSE BILL NO. 642, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 2, 1977.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 70, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 2, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 459,

HOUSE BILL NO. 768, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 1, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2418,

SENATE BILL NO. 2512,

SUBSTITUTE SENATE BILL NO. 2873,

SUBSTITUTE SENATE BILL NO. 3036, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 1, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 1133, and the Senate amendments

thereto, and the Speaker has appointed as members of the conference committee thereon: Representatives Warnke, Conner and Fancher.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2185, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Eng, Bender and Schmitt.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Senate Bill No. 2185 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2185 and the House amendments thereto: Senators McDermott, Hayner and Sandison.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 2282, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Hawkins, Pardini and Hughes.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Senate Bill No. 2282 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2282 and the House amendments thereto: Senators Grant, Pullen and Beck.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2419 and the House amendments thereto: Senators Mardesich, Clarke and Francis.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 2445, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Struthers, Salatino and Walk.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute Senate Bill No. 2445 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 2445 and the House amendments thereto: Senators Van Hollebeke, Matson and Wojahn.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 2877 and the House amendments thereto: Senators Goltz, Bluechel and Grant.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 31, 1977.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 120, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Warnke, Salatino and Shinoda, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 120 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 120 and the Senate amendments thereto: Senators Van Hollebeke, Morrison and Wojahn.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 31, 1977.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 649, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives McCormick, Greengo and Salatino, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on House Bill No. 649 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 649 and the Senate amendments thereto: Senators Van Hollebeke, Buffington and Bausch.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 31, 1977.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 656, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives O'Brien, Heck and Whiteside, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 656 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 656 and the Senate amendment thereto: Senators Grant, Murray and Keefe.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 2, 1977.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 865, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Sommers, McKibbin and Newhouse, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 865 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 865 and the Senate amendment thereto: Senators Marsh, Jones and Grant.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 866, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Sommers, McKibbin and Newhouse, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 866 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 866 and the Senate amendment thereto: Senators Marsh, Jones and Grant.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House again refuses to concur in the Senate amendments to **SUBSTITUTE HOUSE BILL NO. 697**, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Dunlap, Ehlers and Clemente.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 697 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 697 and the Senate amendments thereto: Senators McDermott, Gould and Gaspard.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House refuses to concur in the Senate amendments to **HOUSE CONCURRENT RESOLUTION NO. 32**, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives King, O'Brien and Berentson, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on House Concurrent Resolution No. 32 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Concurrent Resolution No. 32 and the Senate amendments thereto: Senators Walgren, Clarke and Marsh.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3105, with the following amendment:

On page 1, line 9, after "governmental" strike "building" and insert "property", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3105.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3105, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Bausch, Bottiger, Woody—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3105, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 26, 1977.

Mr. President: The House refuses to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 874, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Becker, Hanna and Deccio, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Odegaard, the Senate refuses to grant a conference on Second Substitute House Bill No. 874, and insists on its position and once again asks the House to concur in the Senate amendments.

MOTION

At 10:30 a.m., on motion of Senator Walgren, the Senate recessed until 11:56 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:56 a.m.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 70,
 HOUSE BILL NO. 113,
 HOUSE BILL NO. 286,
 HOUSE BILL NO. 417,
 HOUSE BILL NO. 459,
 HOUSE BILL NO. 642,
 HOUSE BILL NO. 768.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2421,
 SENATE BILL NO. 2472.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 2429.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2429, with the following amendments:

On page 17, beginning on line 23, strike all of section 14, and renumber the remaining sections consecutively.

On page 19, line 21, strike "~~((exceeding a total value of five hundred dollars for any single charitable purpose during any twelve month period, although exempt from the registration provisions of this chapter;))~~" and insert "exceeding a total value of five hundred dollars for any single charitable purpose during any twelve month period, although exempt from the registration provisions of this chapter,"

On page 20, line 2, after ". . . ." insert "Said report shall be maintained and available for public inspection for a period of not less than three years.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2429.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2429, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—44.

Voting nay: Senator Wilson—1.

Excused: Senators Bausch, Bottiger, Woody—3.

ENGROSSED SENATE BILL NO. 2429, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3071, with the following amendments:

On page 1, following line 9, add a section to read as follows:

"Section 1. Section 2, chapter 184, Laws of 1974 ex. sess. as amended by section 7, chapter 106, Laws of 1977 1st ex. sess. and RCW 75.28.455 are each amended to read as follows:

On and after May 6, 1974, the department of fisheries of the state of Washington shall initiate a program to limit the number of commercial salmon vessels for each type of fishing gear and area by issuing licenses and vessel delivery permits to fish for salmon only to those vessels holding such licenses or permits in any year between January 1, 1970 and May 6, 1974: **PROVIDED**, That only those vessels which held commercial gear fishing licenses or vessel delivery permits valid for salmon during such period and can prove by means of a valid fish receiving document that salmon were caught and landed during such period shall be entitled to a valid commercial fishing license or vessel delivery permit to fish for or possess salmon for the same type of gear and area for each year of a period extending from January 1, 1975 through December 31, 1980: **PROVIDED FURTHER**, That except for vessels coming under the provisions of RCW 75.28.460, no commercial salmon fishing license or vessel delivery permit shall be issued to a vessel for calendar years 1979 and 1980 unless that vessel (1) was issued or had transferred to it a valid Washington state commercial salmon fishing license or vessel delivery permit during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought; and (2) can prove by means of a valid fish receiving document that food fish were caught and landed by such vessel in this state or in another state during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought; PROVIDED, HOWEVER, That nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder. All such licenses or vessel delivery permits shall be transferable ((-PROVIDED, That in order to qualify for licenses in calendar years 1979 and 1980, a vessel must prove by means of a valid fish receiving document that food fish were caught and landed by such vessel in this state or in another state during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought))."

Renumber the following sections consecutively.

On page 1, line 2 of the title, after "permits;" insert "amending section 2, chapter 184, Laws of 1974 ex. sess. as amended by section 7, chapter 106, Laws of 1977 1st. ex. sess. and RCW 75.28.455;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Peterson moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 3071.

POINT OF INQUIRY

Senator Talley: "Will Senator Peterson yield? Senator Peterson, on this buy back program which we put through originally, and this is extension, we did not require that they buy all the licenses of these fishermen, so some of them sold part of their licenses and came back and went to fishing again. This is under the new bill. This says a man who sells his boat and gear and does not have a license will get out of the fishing business completely. Is that right?"

Senator Peterson: "I don't quite follow you, Senator Talley."

Senator Talley: "Well, the intent of the buy back program is to cut down the number of fishermen."

Senator Peterson: "That is right."

Senator Talley: "On the old bill, we bought one license sometimes and a boat, but a man still had another license in another area so he acquired another boat and went right on fishing. All he did was sell his junk boat. Now does this bill take care of that?"

Senator Peterson: "Yes, we have, Senator Talley."

The motion by Senator Peterson carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3071.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3071, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 4; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senator Lewis—1.

Absent or not voting: Senators Fleming, Jones, Murray, Sellar—4.

Excused: Senators Bausch, Bottiger, Woody—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3071, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 384.

SECOND READING

.SUBSTITUTE HOUSE BILL NO. 384, by Committee on Financial Institutions (originally sponsored by Representatives Eng, Fischer and Vrooman):

Providing for the confidentiality of examination reports of financial institutions.

REPORT OF STANDING COMMITTEE

April 25, 1977.

SUBSTITUTE HOUSE BILL NO. 384, providing for the confidentiality of examination reports of financial institutions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 26 after "RCW" strike all of the material down to and including "supervisor" on line 29

On page 2, following line 29 insert a new subsection as follows:

"(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor."

Renumber the remaining subsections consecutively.

Signed by: Senators Bluechel, Herr, Jones, Mardesich, Walgren.

The bill was read the second time by sections.

Senator Clarke moved adoption of the committee amendments.

POINT OF INQUIRY

Senator Francis: "Mr. President, would Senator Clarke yield to a question? Senator Clarke, you just described what you meant by an 'in camera' review, but I want to make sure that is in the record. Would you explain what an 'in camera' review of the report would be for purposes of this bill?"

Senator Clarke: "'In camera' means that the court, or the judge, reviews it himself, and he is the only one who is given access to the report and then he makes the determination as to whether or not the information sought is sufficiently relevant to the civil action so that it overcomes the desirability of confidentiality and should be made available to the litigants, and if he so finds, he can then order that it be made available. It is only upon the court making that determination that the data becomes available."

The motion by Senator Clarke carried and the committee amendments were adopted.

On motion of Senator Clarke, the following amendments by Senators Clarke and Woody were considered and adopted simultaneously:

On page 4, line 13 after "RCW" strike all of the material down to and including "supervisor" on line 16.

On page 4, following line 16, insert a new subsection as follows:

"(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor."

Renumber the remaining subsections consecutively.

On page 5, line 36 after "RCW" strike all of the material down to and including "supervisor" on line 3.

On page 6, following line 3 insert a new subsection as follows:

"(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by

the requesting party. This subsection shall not apply to an action brought or defended by the supervisor."

Renumber the remaining subsections consecutively.

On page 7, line 21 after "RCW" strike all of the material down to and including "supervisor" on line 24.

On page 7, following line 24 insert a new subsection as follows:

"(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor."

Renumber the remaining subsections consecutively.

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 384, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 384, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senators Lewis, Newschwander—2.

Excused: Senators Bausch, Bottiger, Woody—3.

SUBSTITUTE HOUSE BILL NO. 384, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 447, by Representatives Warnke, Greengo and Polk (by Department of Motor Vehicles request):

Extending the grounds for suspension or revocation of real estate sales licenses, and exempting brokers from the vehicle dealers' and salesmen's license requirements in certain cases.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 447 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 447, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott,

Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senators Newschwander, Sandison, von Reichbauer—3.

Excused: Senators Bausch, Bottiger, Woody—3.

HOUSE BILL NO. 447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 448, by Representatives Warnke, Greengo and Polk (by Department of Motor Vehicles request):

Authorizing the director of motor vehicles to issue cease and desist orders to real estate salesmen and making the order violation a ground for license suspension or revocation.

The bill was read the second time by sections.

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

On page 4, after line 34, add the following:

"At the time the temporary cease and desist order is served, the licensee shall be notified that he is entitled to request a hearing for the sole purpose of determining whether or not the public interest imperatively requires that the temporary cease and desist order be continued or modified pending the outcome of the hearing to determine whether or not the order will become permanent. The hearing shall be held within thirty days after the department receives the request for hearing, unless the licensee requests a later hearing. A licensee may secure review of any decision rendered at a temporary cease and desist order review hearing in the same manner as a contested case."

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 448, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 448, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Bausch, Bottiger, Woody—3.

HOUSE BILL NO. 448, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 538, by Committee on Social and Health Services (originally sponsored by Representatives Hanna, Becker, King, Maxie, Gruger, Douthwaite, Nelson (Gary) and Whiteside):

Regulating social workers.

MOTION

Senator Day moved that Substitute House Bill No. 538 be rereferred to the Committee on Social and Health Services.

POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Day yield to a question? Does this motion mean if you send that bill back to committee without a specific recommendation of reporting back to the floor it means that if it goes back through rules we have passed that cutoff, and this does not fit under the cutoff and this bill is dead for this—"

Senator Day: "That means that we will consider the bill in January, Senator. I don't think that the definition is in shape to consider now."

Senator Fleming: "Couldn't staff work with the definition of the bill while the bill is still on the calendar and try to do something with it between now and the end of the session?"

Senator Day: "Well, they could but there are some real serious problems, and writing a definition in this area is not easy. It is not something that I think can be done in a day. We have been working with it, but we haven't come up with a solution yet."

Senator Fleming: "Didn't you have the opportunity while this bill was in—"

Senator Day: "Yes, we did and we did rewrite it, but we find now that we have rewritten it but we still haven't done the job well enough, we don't believe."

Debate ensued.

The motion by Senator Day carried and Substitute House Bill No. 538 was rereferred to the Committee on Social and Health Services on a rising vote.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 727.

SECOND READING

ENGROSSED HOUSE BILL NO. 727, by Representatives Conner, Gallagher, Gilleland and Vrooman:

Changing laws on reporting of vehicle accidents.

The Senate resumed consideration of Engrossed House Bill No. 727. On May 27, 1977, the committee amendment was adopted. On that day, Senator Bottiger moved adoption of the following amendment:

On page 2, line 26, add the following sections:

"Sec. 3. Section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090 are each amended to read as follows:

(1) No policy or bond shall be effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ~~((fifteen))~~ twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ~~((thirty))~~ fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than ~~((five))~~ ten thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond shall be effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the director of motor vehicles to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

Sec. 4. Section 26, chapter 169, Laws of 1963 as amended by section 2, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.260 are each amended to read as follows:

The term "proof of financial responsibility for the future" as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of this state, in the amount of (~~(fifteen)~~) twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of (~~(thirty)~~) fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident and in the amount of (~~(five)~~) ten thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future".

Sec. 5. Section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390 are each amended to read as follows:

(1) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

(a) When (~~(fifteen)~~) twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of (~~(ten)~~) twenty-five thousand dollars because of bodily injury to or death of one person, the sum of (~~(thirty)~~) fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When (~~(five)~~) ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

(2) Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

Sec. 6. Section 49, chapter 169, Laws of 1963 as amended by section 4, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.490 are each amended to read as follows:

(1) Certification. A "motor vehicle liability policy" as said term is used in this chapter shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in RCW 46.29.460 or 46.29.470 as proof of financial responsibility for the future, and issued, except as otherwise provided in RCW 46.29.470, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(2) Owner's policy. Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle as follows: (~~Fifteen~~) Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, (~~thirty~~) fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (~~five~~) ten thousand dollars because of injury to or destruction of property of others in any one accident.

(3) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) Policy need not insure workmen's compensation, etc. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(6) Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(7) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage

the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(8) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(9) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.

(11) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 7. Section 55, chapter 169, Laws of 1963 as amended by section 5, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.550 are each amended to read as follows:

Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him (~~((thirty-five))~~) sixty thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of (~~((thirty-five))~~) sixty thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides."

POINT OF ORDER

Senator Guess: "Mr. President, I raise a point of scope and object on the amendment to the bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Guess, the President finds that Engrossed House Bill 727 is a measure dealing with security deposit requirements for uninsured motorists and accident reporting. The amendment proposed by Senator Bottiger deals with the monetary insurance limits of personal injury liability and property coverage. The President therefore finds the amendment expands the scope and object of the bill and the point of order is well taken."

The amendment by Senator Bottiger was ruled out of order.

MOTION

On motion of Senator Bluechel, Engrossed House Bill No. 727, as amended by the Senate, was ordered held for further consideration following the noon recess.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 746.

SECOND READING

ENGROSSED HOUSE BILL NO. 746, by Representative Thompson:
Modifying terms of office of members of county legislative authorities.

The Senate resumed consideration of Engrossed House Bill No. 746. On May 31, 1977, the committee amendment had been moved for adoption.

MOTION

On motion of Senator Rasmussen, Engrossed House Bill No. 746 was ordered held for consideration following the noon recess.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1213, by Committee on Local Government (originally sponsored by Representative Bender):

Authorizing housing authorities to purchase mortgage loans.

The Senate resumed consideration of Substitute House Bill No. 1213, as amended by the Senate on June 1, 1977.

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

On page 7, line 8, after "bidding," insert "for fair market value."

On motion of Senator Fleming, the rules were suspended, Substitute House Bill No. 1213, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1213, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senators Grant, Lewis, Pullen, Van Hollebeke—4.

Excused: Senators Bausch, Bottiger, Woody—3.

SUBSTITUTE HOUSE BILL NO. 1213, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 867, as amended by the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 867, by Committee on Appropriations (originally sponsored by Representatives Sommers, Blair, Shinpoch, Wilson, Patterson, Hansen, Gilleland, Charnley and Barr):

Creating a revised LEOFF retirement system.

The Senate resumed consideration of Substitute House Bill No. 867 from June 2, 1977. No amendments were adopted at that time and the bill was held on second reading.

MOTION

Senator Talley moved Substitute House Bill No. 867 be made a special order of business for 3:00 p.m. today.

Debate ensued.

Senator Mardesich demanded a roll call and the demand was sustained by Senators Walgren, Sellar, Matson, Lewis, Marsh, McDermott, Van Hollebeke, Jones, von Reichbauer.

Senators Mardesich, Washington and Talley demanded a Call of the Senate.

Senator Mardesich demanded a roll call on the Call of the Senate and the demand was sustained.

Debate ensued.

There being no objection, on motion of Senator Mardesich, the demand for a Call of the Senate was withdrawn.

The President declared the question before the Senate to be the motion by Senator Talley that Substitute House Bill No. 867 be made a special order of business for 3:00 p.m. today.

Debate ensued.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 20; nays, 26; excused, 2.

Voting yea: Senators Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Henry, Herr, Odegaard, Pullen, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—20.

Voting nay: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Sandison, Scott, Sellar, Wanamaker—26.

Excused: Senators Bausch, Woody—2.

Senators Talley, Washington and Day demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Bausch and Woody who had been excused earlier today.

MOTION

On motion of Senator Walgren, the Senate proceeded under the Call of the Senate.

Having voted on the prevailing side, Senator Peterson moved the Senate reconsider the vote by which the committee amendment, as amended, was not adopted by the Senate on June 2, 1977.

Senator Walgren demanded a roll call and the demand was sustained by Senators Herr, Wojahn, Gaspard, von Reichbauer, Rasmussen, Talley, Jones, Sellar and Lewis.

The President declared the question before the Senate to be the motion by Senator Peterson that the Senate reconsider the vote by which the committee amendment, as amended, to Substitute House Bill No. 867 was not adopted by the Senate on June 2, 1977.

ROLL CALL

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 24; nays, 22; excused, 2.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Sandison, Scott, Sellar, Wanamaker—24.

Voting nay: Senators Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Herr, Keefe, Monohon, Odegaard, Pullen, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—2.

Excused: Senators Bausch, Woody—2.

The President declared the question before the Senate to be the committee amendment, as amended, on reconsideration, to Substitute House Bill No. 867.

On motion of Senator Goltz, the following amendment by Senators Goltz, Mardesich and Jones to the committee amendment, as amended, was adopted:

On page 3, line 41, after "1977" insert ": PROVIDED FURTHER, That for the 1977-1979 biennium the employer rate of contribution shall be borne by the state."

The motion by Senator Peterson carried and the committee amendment, as amended, on reconsideration, was adopted.

On motion of Senator Mardesich, the following amendments to the title were adopted:

On page 1, line 4 of the title, after "RCW 41.26.030;" insert "amending section 3, chapter 257, Laws of 1971 ex. sess. as amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045; amending section 4, chapter 257, Laws of 1971 ex. sess. as last amended by section 12, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.046; amending section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.090; amending section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160;"

On page 1, line 5 of the title, after "chapter 41.26 RCW;" insert "creating new sections;"

Senator Mardesich moved the rules be suspended, Substitute House Bill No. 867, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

The motion by Senator Mardesich carried on a rising vote.

Substitute House Bill No. 867, as amended by the Senate, was advanced to third reading and final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 867, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 22; excused, 2.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Sandison, Scott, Sellar, Wanamaker—24.

Voting nay: Senators Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Herr, Keefe, Monohon, Odegaard, Pullen, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—2.

Excused: Senators Bausch, Woody—2.

SUBSTITUTE HOUSE BILL NO. 867, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION

At 1:15 p.m., on motion of Senator Walgren, the Senate was declared to be at ease.

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

The President declared the Senate to be at ease.

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

MOTION

On motion of Senator Walgren, the Senate proceeded subject to roll call.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Washington moved the Senate now reconsider the vote by which Substitute House Bill No. 867, as amended by the Senate, failed to pass.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question? Senator Washington, did you do anything with the four and a half percent?"

Senator Washington: "No, the one and a half percent, at least in this bill, would remain alive and, of course, it would be subject to negotiation in the conference committee."

Senator Rasmussen: "So you are not amending this in the hopes we can pass the bill and sustain it, then?"

Senator Washington: "I would hope that we get a bill from the conference committee that will be a compromise between these two bills."

Senator Rasmussen: "I could go for that if you will put Senator Henry and I on the conference committee."

Senator Washington: "Well, I am not going to be appointing the conference committee."

POINT OF INQUIRY

Senator Grant: "Mr. President, I wonder if Senator Washington would yield? Senator Washington, I believe that the House version of pension reform may be a good measure. I would like you to explain to me why you feel that it is necessary to compromise further than the House version which does provide for pension reform."

Senator Washington: "One of the major points, I think, is the early retirement provisions. I have mentioned this before. I think the House retirement provision at the age of fifty-five and also with the lower retirement age of fifty-three is too low. I feel that they can and should be able to remain active longer than that period. I don't think the age of fifty-three or the age of fifty-five necessarily means that they should retire. I did feel very strongly that the Senate bill that came before us before with the age of sixty-five and sixty-two was too high."

Senator Grant: "Senator Washington, I would agree with that, but the real difference or a real difference is the difference between a two percent per year computation on the retirement benefits and a one and a half percent. Now, with regard to the LEOFF system as you know, there is no social security in most police and fire pension systems throughout the state of Washington. So, if you reduce the benefits as is contemplated by the Senate in the amendment of the committee as you likely will vote for, you look at thirty years and a forty-five percent benefit. Now do you

feel that that is justifiable considering the fact that there is no social security involved?"

Senator Washington: "I believe that very possibly in the conference that there possibly will be some adjustments made. My own feeling however, I don't claim to be an expert, but my own basic feeling is, and the one that I felt the most strongly about relates to the age of retirement."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Goltz: "Point of parliamentary inquiry. If the motion to reconsider fails, is House Bill 867 then dead as far as any further action on it is concerned by this body?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Goltz."

The motion by Senator Washington carried and the Senate moved to reconsider the vote by which Substitute House Bill No. 867, as amended by the Senate, failed to pass.

MOTION

On motion of Senator Washington, the rules were suspended and Substitute House Bill No. 867, as amended by the Senate, was returned to second reading.

Debate ensued.

POINT OF ORDER

Senator Day: "I believe that the point of order should be made that you can't reconsider the amendment twice, and it has already been reconsidered once."

REMARKS BY SENATOR HENRY

Senator Henry: "If my memory serves me correctly, we adopted the committee amendment with the Goltz amendment on it, and it is now part of the bill, so this amendment should be in order. We reconsidered the amendment and passed it by a vote of twenty-four to twenty-two."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, does the President have a ruling? All I was going to do is point out that—"

REPLY BY THE PRESIDENT

President Cherberg: "The Senate would be amending the Senate committee amendment, not the bill."

Further debate ensued.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I would point out that the same end can be accomplished by rejecting that amendment and offering an entirely new one, and all we are doing is taking time, because it can be done."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I would suggest that when a bill is perfected and presented to the body for final form, it is then a bill. The method by which it arrived at that form then becomes completely inconsequential. The body acted upon a bill and rejected it. That is the thing that then was before the Senate and is again before the Senate by the way of reconsideration. The Senate has now decided to reconsider. The thing it is reconsidering is the bill in its form as it was presented to the Senate for vote. Now when it reconsiders, that is what is before it, and the amendment, any amendment, must of necessity be presented to that particular bill because how it arrived at that condition when it came before the body becomes inconsequential. So, I submit that as a point of order the amendment is properly presented to the bill on reconsideration."

REMARKS BY SENATOR DAY

Senator Day: "Speaking to the point of order, Rule 204, 'Whenever the main question has been decided in the affirmative, the motion to reconsider an amendment previously adopted would not be in order. It would be necessary first to reconsider the vote by which the main question was passed, and if the reconsideration prevailed, then the motion to reconsider the amendment would be in order.

"In general it may be said that if the assembly desires to reconsider an act, it must retract in regular order all subsequent action which affects the act to be reconsidered.

"A question can be reconsidered but once. . ."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, you might try to see if I follow the right track. Let's assume that the position were taken that this could not be reconsidered, and had to start anew. Then certainly there would be no problem with reconsidering an amendment which was adopted because that is not reconsideration of amendment which was once passed. It was amended subsequently by Senator Goltz so that is a new amendment. Having reached that point and a new amendment, we could reconsider the new amendment. Do you bear with me so far? All right. Having a new amendment before us, we could then reconsider the question if we want to drop the amendment as amended by Senator Goltz. Having arrived at that conclusion, we could reconsider that, reject and start again with a new amendment, and we could avoid that indirect action by taking the direct action. That also is the rule of Reed's, that you may do directly what you can do indirectly."

REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President, I call further attention to Rule 204 which Senator Day cited. He didn't read far enough. On page 132 it does state, 'a question can be reconsidered but once but if on reconsideration an amendment has been made making a substantial change a second reconsideration can be had,' and I submit we made a substantial change when we took away the financing from the cities for a two year period that has a cost impact of one point seven million dollars on the state. That is a substantial amendment, so I think we could reconsider at this time."

RULING BY THE PRESIDENT

President Cherberg: "The President believes that the remarks by Senator Marsh and Senator Mardesich are well taken."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Henry, the Senate moved to reconsider the vote by which the committee amendment, as amended, was adopted.

Senator Mardesich moved the following amendments by Senators Mardesich, Scott, Washington, Marsh and Jones to the committee amendment be considered and adopted simultaneously:

On page 1, line 23, after "age" delete "sixty-five" and insert "sixty"

On page 1, line 29, after "age" delete "sixty-two" and insert "fifty-seven"

On page 1, line 37, after "age" delete "sixty-five" and insert "sixty"

President Pro Tempore Henry in the Chair.

POINT OF INQUIRY

Senator Day: "Mr. President, would Senator Mardesich yield? Senator, we are also stripping the transition amendment that was placed on the bill. Was that considered in the fiscal impact?"

Senator Mardesich: "Yes, it was."

Senator Day: "It should be a reduction."

Senator Mardesich: "That is right. These figures reflect both the transition reduction and the Washington approach increase. It amounts to a point six increase, roughly."

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Senator Marsh, would you yield to a question? Senator Marsh, I expect you will be a member of the conference committee. Will it be your intent to work out something that is between this language and the language of the original House bill in this regard?"

Senator Marsh: "Senator Odegaard, I would like to keep my options open at this time. I certainly am going to consider any approach in conference, and I would like to have an opportunity to consult with our state actuary before I make any commitments on any amendment whatsoever."

Senator Odegaard: "Mr. President, I am given a little concern. Does that mean then that we might have something before us—I realize you have some restriction in conference, but in what is presented to us in preconference that could be more towards the original Senate committee amendment than this amendment is? If that is true, then I have some real concern. I was hoping maybe we could work out something, a compromise, between this language which isn't—I think is a good proposal that Senators Washington, Mardesich and Scott and Jones and yourself have put together, and we certainly need pension reform. I sure don't argue that at all, but I do have concern that you are going to go beyond this amendment in conference, and if that were the case, I would have to vote 'no' on this amendment. Maybe if you give us a little more assurance—"

Senator Marsh: "Senator Odegaard, you know the rules perfectly well. It is not possible to go beyond the Senate position unless we go into free conference, and frankly, I do not anticipate that will occur—that we go beyond the Senate position. We may go into free conference, but I do not anticipate the Senate or the conference committee would go beyond today's position in terms of retirement age for fire fighters and policemen."

The motion by Senator Mardesich carried and the amendments to the committee amendment were adopted.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich, Scott, Washington, Marsh and Jones to the committee amendment:

On page 1, delete subsection (3)

Debate ensued.

The motion by Senator Mardesich carried and the amendment to the committee amendment was adopted.

On motion of Senator Mardesich, the following amendment by Senators Mardesich, Scott, Washington, Marsh and Jones to the committee amendment was adopted:

On page 3, beginning on line 35, after "contribute" delete "five and one-half" and insert "six and fifteen one hundredths"

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Marsh yield to a question? Senator Marsh, I note on page 5, 'Retirement allowance upon employment. No retiree under provisions of this section shall receive a retiree's monthly retirement allowance pursuant to sections so and so if such retiree enters the service for any nonfederal public employer in this state.' What does that mean?"

Senator Marsh: "That means that if a member of the LEOFF system who is retired from either the fire fighters or the police officers services goes to work for the state of Washington in the PERS system or goes to work for some county or municipal governmental unit that is covered by the PERS system, then the retirement allowance that would otherwise possibly be payable under the LEOFF system would be suspended."

Senator Rasmussen: "That then, Senator Marsh, would cover also that person in the LEOFF system that ran for the legislature, he is in his transition period. He runs for the legislature and gets elected, and then he must suspend the retirement that he would receive—"

Senator Marsh: "That is correct."

Senator Rasmussen: "—even though he is serving at three hundred dollars a month as some people are here."

Senator Marsh: "That is correct."

Senator Rasmussen: "Is that reasonably defensible that somebody should run for the legislature and, even though retired, he would suspend his pension payments, not receive enough from the legislature to support his family on, would that be understood as taken his constitutional rights?"

Senator Marsh: "I think it is reasonably defensible, and I do not see it as taken of any constitutional rights. When a person runs for the legislature, he or she knows what the conditions are if they have reviewed the statutes."

Senator Rasmussen: "The same thing would probably apply to lawyers practicing law while in the legislature that they shall be prohibited also from receiving any means of support other than their legislative salaries."

Senator Marsh: "This amendment does not go that far. This bill does not go that far."

Senator Rasmussen: "That is what I was raising the class question on, their right. I am only raising it this time. I understand what you are doing, and this bill is going to go to conference, but somebody take a look at that and see if that is a fair proposition. We have been trying to enlighten you people who have been working on these pension bills. I hope our efforts have been of some use to you, and I am still willing to serve on the conference committee."

POINT OF INQUIRY

Senator Talley: "Will Senator Washington yield? Senator Washington, you have repeatedly voted against this bill, now you move to reconsider on the basis that you say your amendment will bring it to conference. Now, are you standing here and

telling me for sure that this bill will go to conference? We don't know how it is going to vote—they may accept this so-called beautiful bill."

Senator Washington: "Well, I have a very strong feeling that the House is going to not concur. I don't think anyone here believes that it will concur, and on that basis I don't have anything, any assurance, but I think we can rely on judgment and my judgment is that they will not concur in the Senate amendment and that it will go to conference."

Senator Talley: "Will Senator Washington yield again? You and I have been here for over twenty years, and we have had strong feelings about what the House is going to do and they didn't do it. So, I don't think that is a good argument that you are amending this thing so you are sure it will go to conference."

Senator Washington: "I feel, at least on this one—there are some things that are predictable, and I feel that this is one of the predictable things in the House, and that they are not going to accept the Senate amendment. They will send it back, ask us to recede. If we don't recede, we will then go to conference."

Senator Talley: "You have more confidence in the House than I have, sir."

The motion by Senator Henry carried and the committee amendment, as amended, on reconsideration, was adopted.

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 867, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 867, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 26; nays, 21; excused, 1.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Donohue, Gould, Guess, Hayner, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Sandison, Scott, Sellar, Wanamaker, Washington—26.

Voting nay: Senators Bausch, Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Grant, Herr, Keefe, Monohon, Pullen, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren; Wilson, Wojahn—21.

Excused: Senator Woody—1.

SUBSTITUTE HOUSE BILL NO. 867, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 867, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Walgren, the Senate dispensed with the Call of the Senate.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Third Substitute House Bill No. 371.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, by Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie):

Revising the juvenile justice and care system.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 371. On May 31, 1977, Senator Francis had moved adoption of the committee amendment. At that time, Senator Hayner had raised a Point of Order and the bill was held by Senator Rasmussen for later consideration.

MOTION

Senator Rasmussen moved that Engrossed Third Substitute House Bill No. 371 be rereferred to the Judiciary Committee.

Debate ensued.

There being no objection, on motion of Senator Rasmussen, the motion was withdrawn.

MOTION

Senator Rasmussen moved that further consideration of Engrossed Third Substitute House Bill No. 371 be delayed until June 6, 1977.

There being no objection, on motion of Senator Rasmussen, the motion was withdrawn.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order presented by Senator Hayner, the President finds that Engrossed Third Substitute House Bill Number 371 is a comprehensive measure which reforms this state's juvenile justice system.

"The bill covers such subjects as dependent children, confidentiality of the juvenile's record, disposition standards for juvenile offenders and due process guaranteed for juveniles. The amendment proposed by the Senate committee on judiciary is also a comprehensive measure which reforms this state's juvenile justice system. The President therefore finds that the amendment does not expand the scope and object of Engrossed Third Substitute House Bill Number 371, and the point of order is not well taken."

The committee amendment was ruled in order.

MOTION

On motion of Senator Jones, Senators Benitz, Bluechel and Scott were excused.

MOTION

Senator Rasmussen moved that Engrossed Third Substitute House Bill No. 371 be rereferred to the Judiciary Committee.

Debate ensued.

POINT OF INFORMATION

Senator McDermott: "Mr. President, a point of information. Is this a motion to send it back to judiciary?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, by Senator Rasmussen."

POINT OF INFORMATION

Senator McDermott: "Would it be your impression that if it went back to judiciary it would be then dead?"

REPLY BY THE PRESIDENT

President Cherberg: "No, Senator, it would not be dead. It would still be alive and could be returned to the Senate. Two additional exemptions were included in the cutoff resolution, Senator McDermott, one of them dealing with juveniles."

Further debate ensued.

The motion by Senator Rasmussen failed on a rising vote.

Senator Hayner moved adoption of the following amendments to the committee amendment:

On page 2, line 31, after "a" strike "nonfelony"

On page 2, line 32, after "laws" insert ", which is not a misdemeanor,"

Debate ensued.

The motion by Senator Hayner carried and the amendments to the committee amendment were adopted.

Senator Rasmussen moved adoption of the following amendments to the committee amendment:

On page 2 of the printed Senate Committee amendment, on line 33 after "over" delete "fifteen" and insert "sixteen"

On page 2 of the printed Senate Committee amendment, on line 33 after "age" and before the semicolon insert ", excepting negligent homicide"

Debate ensued.

The motion by Senator Rasmussen failed and the amendments to the committee amendment were not adopted.

Senator Mardesich moved adoption of the following amendment to the committee amendment:

Beginning on page 2, section 4, line 35, after "13.24 RCW" strike the period and insert the following, including the addition of new sections hereto:

"(8) In addition to the exclusive original jurisdiction provided above, juvenile courts may refer children to educational clinics.

NEW SECTION. Sec. 5. (1) As used in sections 5 through 9 of this 1977 amendatory act, unless the context thereof shall clearly indicate to the contrary:

Educational clinic means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certified by the state board of education according to rules and regulations promulgated for the purposes of sections 5 through 9 of this 1977 amendatory act and providing, for certification purposes, that a year's teaching experience in an educational clinic shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of sections 5 through 9 of this 1977 amendatory act, basic academic skills shall include the study of mathematics, speech, language, reading

and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.04.120.

(3) The state board of education shall certify an education clinic only upon application and (1) determination that such school comes within the definition thereof as set forth in subsection (1) above and (2) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a clinic fails to provide adequate instruction in basic academic skills. No educational clinic certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.01.060 or a private school for the purposes of RCW 28A.02.201 through 28A.02.250.

NEW SECTION. Sec. 6. Only eligible common school dropouts shall be enrolled in a certified educational clinic for reimbursement by the superintendent of public instruction as provided in section 8 of this 1977 amendatory act. No person shall be considered an eligible common school dropout who (1) has completed high school, (2) has passed his eighteenth birthday, or (3) until three months has passed after he or she has dropped out of any common school, unless such clinic has been requested to admit such person by written communication of the board of directors or the superintendent of that common school or unless such person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion therefrom.

NEW SECTION. Sec. 7. The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: **PROVIDED**, That such individual shall be placed with the class he would be in had he not dropped out and graduate with that class, if his ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified educational clinic student, upon completion of an individual student program and irrespective of age, shall be eligible to take the general educational development test as given throughout the state.

NEW SECTION. Sec. 8. From funds appropriated for that purpose, the superintendent of public instruction shall pay to a certified clinic on a monthly basis for each student enrolled in compliance with section 6 of this 1977 amendatory act, fees in accordance with the following conditions:

(1) (a) The fee for the initial diagnostic procedure shall be fifty dollars per student, and hourly fees for each student shall be sixteen dollars if the class size is no greater than one, ten dollars if the class size is at least two and no greater than five, and five dollars if the class size is at least six: **PROVIDED**, That revisions in such fees proposed by an education clinic shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect: **PROVIDED FURTHER**, That an education clinic may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision.

(b) Absences will be paid for, but after three consecutive absences or two unexcused absences in any one week, the student's enrollment will be terminated and no further fees will be payable: **PROVIDED**, That students may be re-enrolled at any time.

(c) No clinic shall make any charge to any student, or his parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those clinic(s) which have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit clinics the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such clinic, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the clinics of the date after which further funds for reimbursement of the clinics' services will be exhausted.

NEW SECTION. Sec. 9. In accordance with chapter 34.04 RCW, the administrative procedure act, the state board of education with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules and regulations to carry out the purpose and intent of sections 5 through 9 of this 1977 amendatory act.

Criteria as promulgated by the state board of education or superintendent of public instruction for determining if any educational clinic is providing adequate instruction in basic academic skills or demonstrating superior performance in student educational gains for funding under section 8 of this 1977 amendatory act shall be subject to review by four members of the legislature, one from each caucus of each house, including the chairpersons of the respective education committees."

Renumber the remaining sections consecutively and make necessary section internal reference changes throughout as necessary.

POINT OF ORDER

Senator Gould: "Mr. President, I wish to raise the question of scope and object on the amendment, and if I may speak to it, Mr. President? Mr. President, I think, as Senator Mardesich said, this was a bill that was passed recently on the floor of the Senate. It was a bill that was titled 'An Act Relating to Education' which purported to add new sections to chapter 223 Laws of 1969 Extraordinary Session, and is titled 28A, The Common School Statutory Provision. House Bill 371, as amended by the committee, deals strictly with Title 13 RCW, and I could go into a little bit about the differences, but this amendment as it is drawn is word for word of Senate Bill 2232. It defines an educational clinic. It defines even basic academic skills, clearly outside of jurisdiction of dependent and delinquent children. It talks about school drop outs, not delinquents or dependents, and it discusses their reentry into the common school system, and a variety of other things dealing strictly with education.

"House Bill 371 is a bill, the amendment attempts to join these two measures by means of adding a new subsection, and this subsection—through subsection 4, and the amendment itself has nothing to do with this section. Section 4 relates to subject matter jurisdiction such as exclusive original jurisdiction, residential placement of these children in voluntary civil commitments and several other areas dealing completely with juvenile court jurisdiction, or court jurisdiction."

REPLY BY THE PRESIDENT

President Cherberg: "The President respectfully suggests that in order to give this question a thorough study, that the Senate proceed with the further amendments, and in the meantime, the President will be taking a look at this."

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 3 of the printed Senate Committee amendment, on line 10 after "hearing." insert "A final order as used in this section shall not include a decision of the court to decline its jurisdiction."

Debate ensued.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Rasmussen moved that Engrossed Third Substitute House Bill No. 371 be held on the second reading calendar for June 6, 1977.

POINT OF INQUIRY

Senator Talley: "Will Senator Rasmussen yield? Senator Rasmussen, would you like to have me ask for a Call of the Senate?"

Senator Rasmussen: "That would be a good idea, Senator Talley. I would think that we should all be here working or none should be here working."

Debate ensued.

POINT OF ORDER

Senator Rasmussen: "Point of order. I think Senator Francis is straying from the point of my motion. I didn't rape anybody or anything at any time, and he is talking a lot about this subject, and I only said, and Senator Pullen reinforced it, that we should put this over until Monday until we could have a chance to look at the amendments. They are coming here faster on the desk than I can make room for them, and we would like to coordinate them a little bit."

Further debate ensued.

The motion by Senator Rasmussen to hold Engrossed Third Substitute House Bill No. 371 on the second reading calendar for June 6, 1977 failed on a rising vote.

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 3, line 26, strike all of section 7.

Renumber remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Francis yield? Senator Francis, who is the administrator that it is talking about on line 26? Is that a county administrator or state administrator or who appoints that administrator?"

Senator Francis: "That refers to the administrator of juvenile court which is a local administrator of juvenile court. I am not sure that that is the appropriate person to do it, but that is the person that we have had planned to do it here."

Senator Odegaard: "Then the local administrator would adopt the standards?"

Senator Francis: "Yes."

Senator Odegaard: "How are you going to have uniformity that Senator Clarke spoke about if you have the local administrator of thirty-nine different counties?"

Senator Francis: "Because they will be consulting with the state planning agency established under Title 2 of the Federal Juvenile Justice and Delinquency and Prevention Act, and that is who we are going to work it out with. It may be that a more appropriate term than the administrator could be used there."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, in reading this a little further, I am becoming concerned about all these standards for detention facilities imposed by, I guess the state, and tied in with federal regulations under Title 2. This reminds me a little bit of the jail standards bill that we have been discussing so much here, the cost that will be imposed. This might be laudable, and a good thing to do, but where is the money supposed to come from to do all of these good things, Senator Francis? This has become more of concern now as I read this a little more closely. Is this going to be another bond issue we are going to have to look at to provide these facilities for the counties? I would hate to impose more standards on counties than we already do without providing funding for them."

Senator Francis: "Senator Odegaard, in response to your question, there is nothing in this section that requires any expenditure of funds. It says that they will consult with the state planning agency, and that following a public hearing and after approval of the body responsible for administering the juvenile court they shall adopt standards. Now, adopting standards doesn't mean that you have to spend money. It does mean that there are certain standards going to be adopted in connection with your detention facilities and, in your own county, and that is all it means, and as I say, if I felt that going along with Senator Hayner's amendment made this bill more acceptable to a vast number of people here, why I would say 'fine' because I don't think this is essential to the bill one way or the other. I do think it is a very desirable section, but I don't regard it as essential."

Further debate ensued.

POINT OF INQUIRY

Senator Francis: "Will Senator Pullen yield to a question? Senator Pullen, you mention technical deficiencies which have been pointed out relating to this section. What technical deficiencies are you referring to?"

Senator Pullen: "The whole question surrounding what the administrator is and what his functions are at the local level or at any other level."

Senator Francis: "That is the technical deficiency you were referring to?"

Senator Pullen: "That is right. From the basis ensued so far, I don't think it has been clarified to my satisfaction exactly what the administrator is or the role of the administrator is or whether, in fact, the administrator as it is now defined in section 7 can give us the sort of uniform standards that section 7 is trying to seek."

Senator Francis: "Senator Pullen, I do seriously object to your referring to technical deficiencies just because you don't understand the language in there. It might be more appropriate if you just simply say that it is something that is not understood by you. The term 'administrator' is defined in the preceding section where it says, 'the administrative body' and they are referring there to the county counsel or county commissioners, 'shall appoint an administrator of juvenile court, and that is the person who shall be responsible for day to day administration of such services, etc.', and that is the administrator that is referred to. If you need a more elaborate answer to the answer that I gave to Senator Odegaard, and the only reason I am bringing this up now is that if we are going to work through this bill, let's not be loose in our language and refer to technical deficiencies that don't exist."

The motion by Senator Hayner failed and the amendment to the committee amendment was not adopted on a rising vote.

On motion of Senator Marsh, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 4, line 39, strike "section 39" and insert "sections 39 and 63"

On page 53 of the Committee amendment, after line 6, and following subsection (6) add a new subsection (7) to read as follows:

"(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case."

Renumber the remaining subsection consecutively.

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 6 of the printed Senate Committee amendment, on line 10 beginning with ": PROVIDED" delete down to and including "offense" on line 12.

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Francis yield? Senator Francis, does this language mean then that these files would be open to the press of any child of any age?"

Senator Francis: "There is no limit here as to age, only as to whether or not they have been convicted of what would constitute a crime. Files relating to dependency, neglect and other things would not be open to the press, but anything that is open to the public would be open to the press, and we are talking about records of having committed a crime."

Senator Odegaard: "At any age?"

Senator Francis: "There is no limitation here on age."

Further debate ensued.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

On motion of Senator Murray, the following amendment by Senators Murray and Wilson to the committee amendment was adopted:

On page 6, line 17, after "to" insert "and in any way identifying"

Senator Murray moved adoption of the following amendment by Senators Murray and Wilson to the committee amendment:

On page 6, line 17, after "juveniles" insert "subject to dependency, delinquency or juvenile offender proceedings, such records having been"

Senator Francis moved adoption of the following amendment to the amendment by Senators Murray and Wilson:

On line 2 of the amendment to page 6, line 17, after "dependency" strike ", delinquency"

Debate ensued.

The motion by Senator Francis carried and the amendment to the amendment by Senators Murray and Wilson was adopted.

The motion by Senator Murray carried and the amendment, as amended, to the committee amendment was adopted.

Senator Murray moved adoption of the following amendment to the committee amendment:

On page 6, line 23, after "agencies" and before the period insert ": PROVIDED, That information regarding juvenile offenses, including identification of the juvenile, may be disclosed by police or the prosecuting attorney"

Debate ensued.

The motion by Senator Murray failed and the amendment to the committee amendment was not adopted on a rising vote.

On motion of Senator Francis, the following amendment to the committee amendment was adopted:

On page 7, line 38, after "(4)" strike all the matter down to "juvenile" on line 39, and insert "Upon request of a juvenile or such juvenile's parents or attorney, information concerning such juvenile shall be released to the"

On motion of Senator Rasmussen, the following amendment to the committee amendment was adopted:

On page 7, line 42, after "(5)" strike all the matter down to "which" on line 43, and insert "Information"

There being no objection, on motion of Senator Murray, the amendment to page 7, line 42, to the committee amendment, on the desk of the secretary of the Senate, was withdrawn.

On motion of Senator Francis, the following amendment to the committee amendment was adopted:

On page 8, line 2, after "(6)" strike "The" and insert "upon request of the victim of the crime or the victim's immediate family, the"

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 8 of the printed Senate Committee amendment, on line 5 after "released" and before "to" insert ", if requested,"

Debate ensued.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

Senator Bottiger moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 16, line 1, after "subsection" and before the period insert "and section 41 of this 1977 amendatory act".

On page 20, line 14 after "custodian" and before the period insert "; or (d) Any child:

- (i) Who is in conflict with his or her parent, guardian, or custodian;
- (ii) Who refuses to remain in any nonsecure residential placement ordered by a court pursuant to section 26 of this 1977 amendatory act;
- (iii) Whose conduct evidences a substantial likelihood of degenerating into serious delinquent behavior if not corrected; and
- (iv) Who is in need of custodial treatment in a diagnostic and treatment facility"

On page 25, line 38 after "section 30" and before "of this" insert "(a), (b), or (c)"

On page 25, following line 42 add a new paragraph to read as follows:

"A child alleged to be dependent pursuant to section 30(d) of this 1977 amendatory act shall have the right to appointed counsel."

On page 29, following section 40 add a new section to read as follows:

"NEW SECTION. Sec. 41. If after a fact-finding hearing it has been proven beyond a reasonable doubt that a child is dependent within the meaning of section 30(d) of this 1977 amendatory act, and after consideration of the predisposition report and after a disposition hearing, the court may order one of the following dispositions of the child:

(a) Placement of the child in an alternative nonsecure residential facility pursuant to section 26 of this 1977 amendatory act.

(b) Commitment to the department of social and health services for placement in a custodial diagnostic and treatment facility for not more than thirty days only if other less restrictive alternatives have failed, if such a treatment facility is available,

and if the diagnosis and treatment is reasonably expected to prevent degeneration of the child's conduct into serious delinquent behavior: PROVIDED, That such housing and treatment shall be entirely separate from that of youth who have been found guilty of committing a felony or misdemeanor."

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Mr. President, will Senator Francis yield to a question? Last year we passed a bill; the number escapes me at the moment. I think it was 3116, which made it illegal, or made it nonlegal to put somebody who is not delinquent in a juvenile institution. This bill was passed by this body. I think by this particular amendment you are reversing the position of the Senate exactly one year or so ago. Am I correct?"

Senator Francis: "I think that is certainly arguably true when it says 'commitment to DSHS for placement in a custodial, diagnostic and treatment facility.' I don't know exactly what our words were one year ago. I think that at least the policy behind what we did a year ago would be reversed by adopting this amendment."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator McDermott did not ask me, but I would like to respond to his question. Under that act we had a definition of delinquent children, and under that act, I think anybody who would fall under this section would have been delinquent so they would have been placed with other delinquent children, so I don't think we are changing that.

"In fact, we have established a high standard of care, Senator Lewis, partially on purpose, because I agree that if you are going to treat somebody like a criminal, the child on the street, the kids, no, but the tests are, they learn about this probably quicker than most lawyers in the state. If you are going to treat them with confinement, they ought to know that it is by the same standard everybody else got there.

"In perhaps closing debate, hopefully closing debate, on this amendment, my problem is this: that if, and again I say the kids know probably quicker than most of the attorneys, if in fact, all you have to do is say, 'no, I am not going to and nobody is going to do anything about it,' then the temptation of living with the boyfriend or smoking the pot or doing something like that is so much there, and there is no penalty for telling the judge, 'no, I won't go live in that house,' or 'I won't cooperate with the psychiatrist. I know where I am going just as soon as I run through this Mickey Mouse maze you put up for me.' This way there is a threat. The kid also will know that if he is belligerent, if he is acting out, and if it is pretty obvious he is going to continue to, he might get thirty days at Cascadia.

"I think that is what I was looking for is some way to have a penalty for not belonging to the program."

Debate ensued.

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President and members of the Senate, I would like to correct one thing I said, and I think this is consistent with what Senator Odegaard said. I answered you, Senator McDermott, about last year's Senate Bill 3116 incorrectly, because I am advised that we did provide for an up to thirty days commitment for diagnostic purposes and so forth, but in a secure facility. So, this is not inconsistent with that."

The motion by Senator Bottiger carried and the amendments to the committee amendment were adopted.

On motion of Senator Francis, the following amendment to the committee amendment was adopted:

On page 16, line 23, after "subsection" strike "(4) (g)" and insert "(4) (f)"

On motion of Senator Marsh, the following amendment by Senators Woody and Marsh to the committee amendment was adopted:

On page 16, line 25, after "hours" insert ", excluding Sundays and holidays,"

On motion of Senator Francis, the following amendment to the committee amendment was adopted:

On page 17, line 35, strike "74.13.031 (4) (g)" and insert "74.13.031 (4) (f)"

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, would Senator Hayner yield to a question? Senator Hayner, I have an amendment to that same section. Have you had an opportunity to read that?"

Senator Hayner: "I am a little confused because I don't find that amendment right now. I know it is in this pile somewhere."

Senator Pullen moved adoption of the following amendment by Senators Pullen and Hayner to the committee amendment:

On page 18, line 10, after "placement" strike "only" and insert "and it shall be incumbent upon the child to overcome the presumption that the child should remain with its family"

POINT OF INQUIRY

Senator Goltz: "Would Senator Pullen yield? The language which you use in your amendment says that it shall be incumbent upon the child to overcome the presumption, and my question is, how does the child make that overcoming of presumption?"

Senator Pullen: "I discussed this with Senator Hayner and I was informed that it is understood that if the child is not capable of doing that himself by reason of age, the child will be represented by appropriate counsel. That was my understanding of the normal legal system applicable to such cases."

Debate ensued.

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted.

On motion of Senator Pullen, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 19, line 14, after "care" strike the comma and insert "or"

On page 19, line 15, after "or" strike "physical and emotional development" and insert "seriously and unconscionably endangers the child's physical or mental health"

On motion of Senator Day, the following amendment to the committee amendment was adopted:

On page 19, line 14, after "child's" insert "health"

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 18 of the printed Senate Committee amendment, on line 9 after "Sec. 26." delete the remainder of the section and insert "The hearing shall be upon the question of the child's placement. Prior to approving an alternative residential placement, the court shall find by a preponderance of the evidence that the reasons for request of alternative residential placement are not capricious and have resulted in a conflict between the parent and the child that cannot be remedied by counseling, crisis intervention, or continued placement in the parental home."

After making such a finding the court may approve the placement in which the child resides or wishes to reside or the court may place the child in such nonsecure licensed care as is deemed appropriate taking into account the interests of the parents and the best interests of the child."

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

Amend the amendment to page 18, line 9, as follows:

On line 9 of the amendment, strike "have resulted in" and insert "that there is"

The motion by Senator Rasmussen carried and the amendment, as amended, to the committee amendment was adopted.

There being no objection, on motion of Senator Rasmussen, the amendment to page 19 to the committee amendment, on the desk of the Secretary of the Senate, was withdrawn.

On page 19 of the printed Senate Committee amendment, on line 22, delete "in six months" and insert "as is deemed appropriate"

On motion of Senator Clarke, the following amendment to the committee amendment was adopted:

On page 19, line 22, after "review" strike "in" and insert "within"

Senator Bottiger moved adoption of the following amendment by Senator Woody to the committee amendment:

On page 19 of the committee amendment, following section 28, add a section to read as follows:

"Sec. ____ Section 6, chapter 302, Laws of 1961 as last amended by section 2, chapter 71, Laws of 1975-76 ex. sess. are each amended to read as follows:

When any child shall be found to be delinquent or dependent, within the meaning of this chapter, the court shall make such order for the care, custody, or commitment of the child as the child's welfare in the interest of the state require. Subject to further order, the court may commit the child:

(1) To the care of such child's parents, subject to supervision of the probation officer; or

(2) To the custody of a probation officer, subject to such conditions as the judge may impose; or

(3) To a reputable citizen or association able and willing to receive and care for such child; or

(4) To an appropriate private agency authorized to care for children; or

(5) To the department of social and health services: PROVIDED, That only a child found to be delinquent may be placed in a facility established pursuant to chapter 72.05 RCW or chapters 72.16 through 72.20 RCW (~~except that a dependent child whose dependency arises from incorrigibility as defined by RCW 13.04.010 (7) may be committed to a diagnostic and treatment facility for not more than thirty days if the court finds that (a) the conduct of the child evidences a substantial likelihood of degenerating into serious delinquent or criminal behavior if not corrected, and (b) other, less restrictive alternatives have failed, and (c) custodial treatment in a diagnostic and treatment facility is available and is reasonably expected to correct such degeneration. PROVIDED, That such housing and treatment shall be entirely separate from that of delinquents~~)).

In no case shall a child be committed beyond the age of twenty-one years. A child committed to the department of institutions shall be subject to the supervision and control thereof and the department shall have the power to parole such child under such conditions as may be prescribed.

The department of social and health services shall have the power to discharge such child from custody, and the court shall rescind the commitment of any dependent child who was, prior to March 21, 1967, committed to the department of institutions unless such child is incorrigible or delinquent within the meaning of this

chapter and the department of institutions shall return the child forthwith to the committing court for such action: **PROVIDED**, That the court may commit such dependent child as otherwise provided in this chapter."

Renumber the remaining sections consecutively.

There being no objection, on motion of Senator Francis, the amendment by Senator Woody to the committee amendment was withdrawn.

President Pro Tempore Henry assumed the Chair.

On motion of Senator McDermott, the following amendment by Senator Rasmussen to the committee amendment was adopted:

On page 24 of the printed Senate Committee amendment, beginning on line 6 delete "by any law enforcement officer or probation counselor" and insert "by any person twenty-one years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker"

Senator Pullen moved adoption of the following amendment to the committee amendment:

On page 28, line 29, strike "Whenever" and insert "Before"

Debate ensued.

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted on a rising vote.

On motion of Senator Pullen, the following amendment to the committee amendment was adopted:

On page 29, line 4, after "child's" insert "or parents'"

Senator Pullen moved adoption of the following amendment to the committee amendment:

On page 30, line 28, after "decrees" insert ": PROVIDED, That no support payments shall be required of parents requesting the return of their children"

Debate ensued.

Senator Francis moved adoption of the following amendment to the amendment by Senator Pullen:

After "children" on the last line of the Pullen amendment to page 30, line 28, add ", unless such parent has been found to have abused or neglected such children"

MOTION

At 6:08 p.m., on motion of Senator Marsh, the Senate adjourned until 9:30 a.m., Saturday, June 4, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, June 4, 1977.

The Senate was called to order at 9:30 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz, Buffington, Donohue, Fleming, Gould, Hayner, McDermott, Newschwander, Peterson, Sellar and Woody. On motion of Senator Jones, Senators Benitz, Buffington, Gould, Hayner, Newschwander and Sellar were excused. On motion of Senator Odegaard, Senators Donohue, Fleming, McDermott, Peterson and Woody were excused.

The Color Guard, consisting of Pages Linda Rogers and Bill Aegerter, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, WE MEET THIS MORNING WITH OUR SPIRITS YEARNING FOR QUIET TIME ALONE, OR WITH LOVED ONES OR FAMILIES. AND YET THE WEIGHT OF DEMANDING LEGISLATION IS HEAVY ON OUR MINDS. WHEN WE CANNOT FIND PEACE AND HAPPINESS AROUND US, HELP US TO TURN WITHIN, TO THE SILENT RESOURCES OF YOUR SPIRIT. WE REMEMBER THOSE SOURCES OF INNER JOY WHICH JESUS ADVOCATED WHEN HE SAID: 'HAPPY ARE THE POOR IN SPIRIT FOR THEIRS IS THE KINGDOM OF HEAVEN. HAPPY ARE THE MEEK, FOR THEY SHALL INHERIT THE EARTH. HAPPY ARE THE PURE IN HEART FOR THEY SHALL SEE GOD.' GRANT, OUR FATHER, THAT THESE SOURCES OF HAPPINESS MAY BE EXPERIENCED BY EACH OF US TODAY, AND GRANT TO US THE MIND OF OUR MASTER, IN WHOSE NAME WE PRAY. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 3, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 3, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2061: Regulating proprietary hospitals.

SENATE BILL NO. 2426: Regulating the disclosure of the records of the department of employment security.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

June 3, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2421,

SENATE BILL NO. 2472, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 615, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 741, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 627, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 625, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 46, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 474, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2160,

SENATE BILL NO. 2217,

SENATE BILL NO. 2439,

SENATE BILL NO. 2479,

SENATE BILL NO. 2486,

SENATE BILL NO. 2510, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2111,

SUBSTITUTE SENATE BILL NO. 2161,

ENGROSSED SENATE BILL NO. 2500,

SUBSTITUTE SENATE BILL NO. 2889,

SUBSTITUTE SENATE BILL NO. 3010, and the same are herewith

transmitted.

DEAN R. FOSTER, Chief Clerk.

June 2, 1977.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 33, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2111,

SUBSTITUTE SENATE BILL NO. 2161,

SENATE BILL NO. 2429,

SUBSTITUTE SENATE BILL NO. 2889,

SENATE BILL NO. 2500,

SUBSTITUTE SENATE BILL NO. 3010,

SUBSTITUTE SENATE BILL NO. 3071,

SUBSTITUTE SENATE BILL NO. 3105.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, by Committee on Transportation (originally sponsored by Representatives Kilbury, Boldt and Martinis):

Requiring speedometers on locomotives.

REPORT OF STANDING COMMITTEE

April 15, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, requiring speedometers on locomotives (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25, after "within" strike "three" and insert "five"

On page 1, beginning on line 30, strike all the matter down to and including the ";," on page 2, line 2

On page 2, line 13, after "shall" strike "be deemed guilty of a misdemeanor, and upon conviction thereof shall"

On page 2, line 16, before the ";," strike "offense" and insert "violation"

On page 2, line 17, strike "offense" and insert "violation"

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Peterson.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendments were adopted.

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

On page 1, line 26, after ";" add "provided that if a speedometer is determined to be out of calibration or inoperable while the locomotive is enroute, it will be deemed as being in good working order until the locomotive reaches the next terminal where repair facilities are available or where a locomotive with a working speedometer is available for substitution."

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

On page 2, line 17, after "." add "It shall also be a violation of this act subject to the same penalty as provided in this section for any railroad employee, except those charged with the duty of installation, maintenance and repair or removal of speedometers to tamper with, adjust or break the lock or alter or remove the speed recording tape therein."

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

On page 2, line 17, after "offense." add the following: "In setting the fine for equipment failure, the location of the locomotive at the time of the violation and access to repair facilities shall be taken into consideration."

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

On page 1, line 4 of the title, strike "defining crimes;"

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute House-Bill No. 50, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 50, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 5; excused, 10.

Voting yea: Senators Bausch, Beck, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—33.

Voting nay: Senators Bluechel, Guess, Jones, North, Wanamaker—5.

Excused: Senators Benitz, Buffington, Fleming, Gould, Hayner, McDermott, Newschwander, Peterson, Sellar, Woody—10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Walgren assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 194, by Committee on Financial Institutions (originally sponsored by Representative Eng):

Extending the definition of the "funds" of a mutual savings bank.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, Substitute House Bill No. 194 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 194, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senators Lewis, Matson—2.

Excused: Senators Benitz, Buffington, Fleming, Gould, Hayner, McDermott, Newschwander, Peterson, Sellar, Woody—10.

SUBSTITUTE HOUSE BILL NO. 194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, Senator Henry was excused.

SECOND READING

HOUSE BILL NO. 195, by Representatives Shinpoch, Warnke, Charnley, Hughes and Knedlik (by Office of Program Planning and Fiscal Management request):

Extending time bonds of the Washington Futures Program of 1972 may be issued.

REPORT OF STANDING COMMITTEE

May 5, 1977.

HOUSE BILL NO. 195, extending time bonds of the Washington Futures Program of 1972 may be issued (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 19, after "thereto" and before "These" insert "As used in this section the phrase "public waste disposal facilities" shall not include the acquisition of equipment used to collect, carry, and transport garbage."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Mardesich, Morrison, Rasmussen, Ridder, Scott, Washington.

The bill was read the second time by sections.

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

On motion of Senator Donohue, the rules were suspended, House Bill No. 195, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 195, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 1; excused, 11. Voting yea: Senators Bausch, Beck, Bluechel, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Benitz, Buffington, Fleming, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—11.

HOUSE BILL NO. 195, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 255, by Committee on Local Government (originally sponsored by Representatives Newhouse and Thompson):

Granting irrigation and port districts the power to designate their own treasurers.

REPORT OF STANDING COMMITTEE

April 21, 1977.

SUBSTITUTE HOUSE BILL NO. 255, granting irrigation and port districts the power to designate their own treasurers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, on line 2, after "in" and before "equal" strike "the preceding year" and insert "each of two of the preceding three years"

On page 2, beginning with "assessments" on line 15 strike all the material down to and including the period on line 18 and insert "irrigation district assessments on lands within the district and shall act with the same powers and duties and be under the same restrictions as provided by law for county treasurers acting in matters pertaining to irrigation districts, except the powers, duties, and restrictions in RCW 87.56.110, 87.56.210, 87.80.180, 87.80.190 and 87.80.200, which shall continue to be those of county treasurers."

In those districts which have designated their own treasurers, the provisions of law pertaining to irrigation districts which require certain acts to be done and which refer to and involve a county treasurer or the office of a county treasurer or the county officers charged with the collection of irrigation district assessments, except RCW 87.56.110, 87.56.210, 87.80.180, 87.80.190 and 87.80.200, shall be construed to refer to and involve the designated district treasurer or the office of the designated district treasurer."

On page 3, on line 17 after "during" and before "as" strike "the previous year" and insert "each of two of the previous three years"

Signed by: Senators Fleming, McDermott, North, Sellar.

The bill was read the second time by sections.

On motion of Senator North, the committee amendments were adopted.

On motion of Senator North, the rules were suspended, Substitute House Bill No. 255, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Clarke, Substitute House Bill No. 255, as amended by the Senate, was ordered placed on the third reading calendar for June 6, 1977.

SECOND READING

ENGROSSED HOUSE BILL NO. 285, by Representatives O'Brien and Hurley (Margaret):

Renaming Sun Lakes State Park to Victor Aloysius Meyers State Park.

REPORT OF STANDING COMMITTEE

April 29, 1977.

ENGROSSED HOUSE BILL NO. 285, renaming Sun Lakes State Park to Victor Aloysius Meyers State Park (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 4, after "names" strike everything down to and including the period on line 8 and insert "the golf course located at Sun Lakes State Park the "Vic Meyers Golf Course". The state shall provide and install a proper marker in a suitable location in the main activity area of the park which will set forth the key role Victor Aloysius Meyers had in the development of Sun Lakes State Park and the important part he had for many years in the political and governmental history of the state. In addition, the name hereby established for the golf course shall be prominently displayed at the golf course club house."

On page 1, line 12, after "The" strike everything down to and including the period on line 15 and insert "state parks and recreation commission is directed to do all things necessary to carry out the provisions of this act."

Signed by: Senators von Reichbauer, Chairman; Lewis, Monohon, Odegaard.

The bill was read the second time by sections.

Senator von Reichbauer moved adoption of the committee amendment to page 1, line 4.

Debate ensued.

The motion by Senator von Reichbauer carried and the committee amendment was adopted.

Senator von Reichbauer moved adoption of the committee amendment to page 1, line 12.

Debate ensued.

The motion by Senator von Reichbauer carried and the committee amendment was adopted on a rising vote.

Senator von Reichbauer moved adoption of the following amendment by Senators von Reichbauer, Lewis and Washington:

On line 4 of the committee amendment to page 1, line 4, after "Course" insert "and Rainbow Lake shall be renamed "Vic Meyers Lake"

POINT OF INQUIRY

Senator Day: "Mr. President, will Senator von Reichbauer yield? Shouldn't that be Victor Aloysius Meyers Lake instead of Vic Meyers? We want to be sure this is properly identified."

Senator von Reichbauer: "Mr. President and members of the Senate, to properly identify Vic Meyers in that area, no one there knows him as Victor Aloysius, it is always Vic Meyers."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator von Reichbauer yield? Senator von Reichbauer, what is the fiscal note on this bill, please?"

Senator von Reichbauer: "Senator Van Hollebeke, the proviso that we are trying to carry forth here is simply going to set up a plaque in his name, and this is something the commission will do in the funds it has available to itself. The plaque will be in commemoration of Vic. If you want to help contribute to that plaque, we will, of course, take contributions after the—"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed House Bill No. 285, as amended by the Senate, was advanced to third reading; the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 285, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Voting nay: Senator Scott—1.

Excused: Senators Benitz, Buffington, Fleming, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—11.

ENGROSSED HOUSE BILL NO. 285, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2668, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 4, 1977.

Mr. Speaker:

Mr. President:

We, of Your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2668, enacting a landlord-tenant act for mobile home lots, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, strike everything after the enacting clause and insert the following: "NEW SECTION, Section 1. This chapter shall be known and may be cited as the "Mobile Home Landlord-Tenant Act".

NEW SECTION. Sec. 2. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 3. For purposes of this chapter:

(1) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(2) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings, and intended for the exclusive use of the occupants of that mobile home;

(3) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income;

(4) "Tenant" means any person, except a transient, who rents a mobile home lot;

(5) "Transient" means a person who rents a mobile home lot for a period of less than one month.

NEW SECTION. Sec. 4. This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: **PROVIDED**, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter. Rentals of mobile homes themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

NEW SECTION. Sec. 5. (1) On and after the effective date of this act, no landlord may offer a mobile home lot for rent without offering to a prospective tenant a written rental agreement for a term of one year or more. A prospective tenant who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month to month basis but must waive, in writing, the right to such one year or more term. Except pursuant to such waiver, no landlord shall allow a mobile home to be moved into a mobile home park in this state until a written rental agreement has been signed by the landlord and the tenant and a copy provided for the tenant;

(2) The requirements of subsection (1) of this section shall not apply if:

- (a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or
- (b) An employer-employee relationship exists between a landlord and tenant;
- (3) The provisions of this section shall apply to any tenancy in existence prior to the effective date of this act, upon expiration of the term of any oral or written rental agreement governing such tenancy.

NEW SECTION. Sec. 6. (1) Any rental agreement executed between the landlord and tenant shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state where the mobile home park is located there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent; and

(e) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement.

(2) Any rental agreement executed between the landlord and tenant shall not contain:

(a) Any provision which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: **PROVIDED**, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Any provision which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Any provision which allows the landlord to increase the rent or alter the due date for rent payment during the term of the rental agreement: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year;

(d) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter; or

(e) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee".

NEW SECTION. Sec. 7. A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home within a park or require the removal of the mobile home from the park solely because of the sale thereof: PROVIDED, That:

(a) A rental agreement for a fixed term shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home, subject to the approval of the landlord after fifteen days' written notice of such intended assignment;

(b) The assignee of the rental agreement shall assume all the duties and obligations of his assignor for the remainder of the term of the rental agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and

(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant; or

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home lot: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement.

NEW SECTION. Sec. 8. Tenancy during the term of a rental agreement may be terminated by the landlord only for one or more of the following reasons:

(1) Substantial or repeated violation of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant. The tenant shall be given written notice of a fifteen day period in which to comply or vacate. In the case of periodic rather than continuous violation, said notice shall specify that the same violation repeated shall result in termination;

(2) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(3) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate.

NEW SECTION. Sec. 9. (1) Unless otherwise agreed, rental agreements shall be for a term of one year. Any rental agreement for a term of one year and any rental agreement renewed for a six-month term shall be automatically renewed for an additional six-month term unless:

(a) Otherwise specified in the original written rental agreement; or

(b) The landlord notifies the tenant in writing three months prior to the expiration of the rental agreement that it will not be renewed or will be renewed only with the changes contained in such notice.

A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

(2) The tenant may terminate the rental agreement upon thirty days written notice whenever a change in the location of the tenant's employment requires a change in his residence, and shall not be liable for rental following such termination unless after due diligence and reasonable effort the landlord is not able to rent the mobile home lot at a fair rental. If the landlord is not able to rent the lot, the tenant shall remain liable for the rental specified in the rental agreement until the lot is rented or the original term ends;

(3) Any tenant who is a member of the armed forces may terminate a rental agreement with less than thirty days notice if he receives reassignment orders which do not allow greater notice.

NEW SECTION. Sec. 10. Improvements, except a natural lawn, purchased and installed by a tenant on a mobile home lot shall remain the property of the tenant even though affixed to or in the ground and may be removed or disposed of by the tenant prior to the termination of the tenancy: **PROVIDED**, That a tenant shall leave the mobile home lot in substantially the same or better condition than upon taking possession.

NEW SECTION. Sec. 11. In any action arising out of this chapter, the prevailing party shall be entitled to reasonable attorney's fees and costs.

NEW SECTION. Sec. 12. Venue for any action arising under this chapter shall be in the district or superior court of the county in which the mobile home lot is located.

NEW SECTION. Sec. 13. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act shall constitute a new chapter in Title 59 RCW."

Signed by: Senators Hayner, Marsh and Van Hollebeke; Representatives Ehlers, Smith (Rick) and Tilly.

MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2668.

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 301, by Representatives Bauer, Vrooman, Douthwaite and Leckenby:

Dispensing with the competitive bid requirement for counties when the amount involved is less than \$2500 instead of the present \$1000.

REPORT OF STANDING COMMITTEE

April 19, 1977.

ENGROSSED HOUSE BILL NO. 301, dispensing with the competitive bid requirement for counties when the amount involved is less than \$2500 instead of the present \$1000 (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "newspaper" and before "advertisements" delete ": ((and)) PROVIDED, That such" and insert "((and)): PROVIDED, That"

On page 1, line 20, after "contracts" and before "shall" insert "for construction, alteration, repair, or improvement of public facilities"

On page 1, line 22, after "AND" and before "((HOWEVER))" delete "PROVIDED" and insert "PROVIDED"

On page 2, line 24, after "((one))" and before "thousand" delete "two" and insert "three"

On page 2, line 27, after "let" delete the remainder of the line and insert "contracts(;) or to enter into lease agreements ((or to make purchases))"

On page 2, line 29, after "((one))" and before "thousand" delete "two" and insert "three"

On page 2, line 32, before "lease" delete "purchase," and insert "((purchase;))"

On page 2, line 32, after "contract." and before "Wherever" insert "For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and three thousand five hundred dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry."

Signed by: Senators Wilson, Chairman; Bluechel, North, Sellar.

The bill was read the second time by sections.

On motion of Senator Bluechel, the committee amendments were adopted.

On motion of Senator Bluechel, the rules were suspended, Engrossed House Bill No. 301, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 301, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Voting nay: Senator Murray—1.

Excused: Senators Benitz, Buffington, Fleming, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—11.

ENGROSSED HOUSE BILL NO. 301, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 316, by Representatives Fortson, Adams, Pruitt, Kreidler, Lux, Pearsall, Hanna and Knedlik:

Revising licensing requirements for nursing home administrators.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 316 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 316, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senator Matson—1.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—10.

ENGROSSED HOUSE BILL NO. 316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 355, by Representatives Burns, Vrooman, Lux, Pruitt, Clemente, Lysen, Charnley, Douthwaite and Sherman:

Relaxing income limitations for retired persons' property tax exemption.

REPORT OF STANDING COMMITTEE

May 17, 1977.

ENGROSSED HOUSE BILL NO. 355, relaxing income limitations for retired persons' property tax exemption (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

Beginning on page 1, after the enacting clause delete the remainder of the bill and insert the following:

"Section 1. Section 1, chapter 182, Laws of 1974 ex. sess. as amended by section 14, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.381 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed; or the property taxes must have been imposed upon a residence which was occupied by the person

claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse;

(3) The person claiming the exemption must have been sixty-two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated, on the basis of the combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule:

Income Range	Percentage of Excess Levies Exemption
(\$5,000) \$7,000 or less	One hundred percent
(\$5,001 — \$6,000)	\$7,001 — Fifty percent

PROVIDED, HOWEVER, That, in addition, any person, who otherwise qualifies under the provisions of this section, and is within the income range of ~~((four))~~ six thousand dollars or less shall be exempt from any obligation to pay regular property taxes on up to five thousand dollars of valuation of his or her residence: PROVIDED FURTHER, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section: AND PROVIDED FURTHER, That the gain realized by any person from the sale, transfer, or upon being displaced from his or her residence shall not be considered as income for the purposes of this section if reinvested in a replacement residence within eighteen months of its realization.

Sec. 2. Section 3, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.385 are each amended to read as follows:

Claims for exemption or a renewal affidavit under RCW 84.36.381 shall be made annually and filed between January 2 and July 1 of the year in which the property tax levies are imposed and solely upon forms as prescribed and furnished by the department of revenue.

Claims under RCW 84.36.381 through 84.36.389, as now or hereafter amended, in ~~((1974))~~ 1977 shall be filed between January 2 and August 1, ~~((1974))~~ 1977.

In January of each year the county assessor shall mail renewal affidavits for exemption to each person approved for exemption during the previous year.

If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5). If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims pursuant to this chapter, through communications media, including such paid advertisements or notices as it deems appropriate. (~~Whenever possible~~) Notice of the qualifications, method of making applications and availability of further information shall be included on or with property tax statements for all residential property including mobile homes, except rental properties.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

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

On page 2, line 21, after (~~(\$5,001—\$6,000)~~) strike "\$7,00 Fifty percent" and insert "\$7,001 — \$8,000 Fifty percent"

MOTION

On motion of Senator Goltz, Engrossed House Bill No. 355, together with the committee amendment moved for adoption by Senator Donohue and the amendment by Senator Donohue which was adopted to the committee amendment, was ordered held for consideration later today.

SECOND READING

ENGROSSED HOUSE BILL NO. 365, by Representatives Lysen, Sherman and Knedlik:

Requiring total life-cycle cost analysis of proposed action by governmental unit or agency.

REPORT OF STANDING COMMITTEE

May 10, 1977.

ENGROSSED HOUSE BILL NO. 365, requiring total life-cycle cost analysis of proposed action by governmental unit or agency (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 2, after "analysis" strike ", as" and insert "of a major facility, as these terms are"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Henry.

The bill was read the second time by sections.

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

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen, Bottiger and Morrison:

On page 2, after line 6 add a new paragraph to read as follows:

"As used in this subsection a major action means any proposal for any ordinance, resolution, or rule having the force of law and any proposal for any public project."

POINT OF ORDER

Senator Washington: "I have had a chance to look at it, and I wish to raise the question of scope and object to the amendment.

Senator Walgren: "We will try and move this down quite a ways in that case, then."

Senator Washington: "The bill you have before you is a very narrow bill which adds to the state environmental policy act an apparently simple little requirement that also, in writing an environmental impact statement, you would include a study of the total life cycle annual analysis—a very simple, simple amendment.

"This particular amendment, on the other hand, would take out at least three-fourths or maybe eighty percent or ninety percent of the projects now covered by the state environmental policy act. It is an attempt to change the definition of a major action so that it includes only public projects. It would eliminate from the state environmental policy act every private project, every construction project that is not done by a public agency. It is so apparent that it so greatly expands the scope and object, Mr. President, I think you could very easily make the decision at this point."

MOTION

On motion of Senator Marsh, Engrossed House Bill No. 365, together with the adopted committee amendment, the amendment by Senators Rasmussen, Bottiger and Morrison and the Point of Order raised by Senator Washington, was ordered held for the second reading calendar on June 6, 1977.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 393, by Committee on Financial Institutions (originally sponsored by Representative Eng):

Requiring information to be filed before the acquisition of control of a bank.

REPORT OF STANDING COMMITTEE

May 2, 1977.

SUBSTITUTE HOUSE BILL NO. 393, requiring information to be filed before the acquisition of control of a bank (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 20, strike "Thurston" and insert "the"

On page 3, line 20, after "county" insert "in which the bank is located"

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

The bill was read the second time by sections.

On motion of Senator Bluechel, the committee amendments were considered and adopted simultaneously.

On motion of Senator Bluechel, the rules were suspended, Substitute House Bill No. 393, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 393, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen,

Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senator Lewis—1.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—10.

SUBSTITUTE HOUSE BILL NO. 393, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 402, by Committee on Appropriations (originally sponsored by Representatives Lysen and Hurley (Margaret):

Requiring state agencies to submit budgets that may or may not require increased taxes.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 402 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 402, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Voting nay: Senator Talley—1.

Absent or not voting: Senator Matson—1.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—10.

SUBSTITUTE HOUSE BILL NO. 402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 355, by Representatives Burns, Vrooman, Lux, Pruitt, Clemente, Lysen, Charnley, Douthwaite and Sherman:

Relaxing income limitations for retired persons' property tax exemption.

The Senate resumed consideration of Engrossed House Bill No. 355. Earlier today, Senator Donohue had moved adoption of the committee amendment. On motion of Senator Donohue, an amendment to the committee amendment had been adopted.

Senator Goltz moved adoption of the following amendment by Senators Goltz, Marsh, Talley, Rasmussen and Beck to the committee amendment:

On page 2, line 38, after "realization" and before the period insert "; (5) In computing a person's combined income in accordance with subsection (4) of this section, any payment received from the federal government as compensation for a disability stemming from active military service, or federal compensation received by virtue of being a survivor of one who received disability compensation, shall not be included"

Debate ensued.

POINT OF INQUIRY

Senator Morrison: "Would Senator Goltz yield to a question, please? Senator Goltz, the last portion of your amendment is, 'or federal compensation received by virtue of being a survivor of one who received disability compensation.' Would that compensation relate again to military service?"

Senator Goltz: "Disability payments."

Senator Morrison: "Well, disability payments though, would cover everyone except—I think you need some change in your verbiage, then, because that last portion could be construed to mean anyone who received disability payments of any kind from the federal government which would include anyone under social security disability."

Senator Goltz: "I think the language that precedes that says it is compensation from the federal government for a disability stemming from active military service or federal compensation received by virtue of being a survivor of one who received disability compensation. If you wanted to add the word 'such' in front of 'disability compensation' I would have no objection to that."

On motion of Senator Morrison, the following amendment to the amendment by Senators Goltz, Marsh, Talley, Rasmussen and Beck was adopted:

After "received" on the sixth line of the amendment, insert "such"

MOTION

On motion of Senator Donohue, Engrossed House Bill No. 355, with the pending committee amendment, as amended, and the amendment by Senators Goltz, Marsh, Talley, Rasmussen and Beck, as amended, was made a special order of business immediately following noon recess.

Senator Sandison assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 531, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Grier, Keller, Monohon, Knedlik, Erickson, Sanders, Haley and Taller):

Providing for a unified system of risk management.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, Substitute House Bill No. 531 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 531, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senators Matson, Walgren—2.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—10.

SUBSTITUTE HOUSE BILL NO. 531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 572, by Committee on Insurance (originally sponsored by Representative Douthwaite):

Permitting variable interest loans on life insurance.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, Substitute House Bill No. 572 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 572, and the bill passed the Senate by the following vote: Yeas, 35; nays, 1; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—35.

Voting nay: Senator Jones—1.

Absent or not voting: Senators Matson, Walgren—2.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—10.

SUBSTITUTE HOUSE BILL NO. 572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED HOUSE BILL NO. 584, by Representatives Thompson, Grimm and Charnley:

Permitting college and university professors to request trustee or regent approval to continue teaching beyond age seventy.

REPORT OF STANDING COMMITTEE

April 28, 1977.

REENGROSSED HOUSE BILL NO. 584, permitting college and university professors to request trustee or regent approval to continue teaching beyond age seventy (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24, after "person" strike all of the material down to the period on line 26 and insert "possesses outstanding qualifications which in the judgment of the board would permit the person to continue valuable service to the institution"

Signed by: Senators Odegaard, Chairman; Benitz, Goltz, Guess, Sandison.

The bill was read the second time by sections.

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

Senator Goltz moved the rules be suspended, and Reengrossed House Bill No. 584 be advanced to third reading.

POINT OF INQUIRY

Senator Rasmussen: "I wanted to ask Senator Goltz a question, please. Senator Goltz, this allows the university to reemploy somebody or extend their time beyond seventy years of age?"

Senator Goltz: "That is correct. Only in rare circumstances would this be done, but where to the benefit of the institution, the students of that institution, it would be allowed."

Senator Rasmussen: "Do they not have that right now to extend beyond seventy?"

Senator Goltz: "As I understand it, the present mandatory retirement law prohibits the extension of a contract beyond the age of seventy."

Senator Rasmussen: "My question would be, does a person then retire and is then reemployed by the university in the same position he held before?"

Senator Goltz: "He could—"

Senator Rasmussen: "It's relating to pension benefits. He would retire, get his pension. I understand they are covered under TIAA—"

Senator Goltz: "That is correct."

Senator Rasmussen: "—and get his pension and then be reemployed in the same job again."

Senator Goltz: "Maybe Senator Odegaard should answer that."

Senator Rasmussen: "I probably should ask that of Senator Marsh, the pension expert here."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Senator Rasmussen, under this bill their reemployment would not affect any state authorized or state supported retirement plan. No faculty member would be able to be reemployed on a full time basis. They could come back and be employed up to forty percent of their original employment, and then they could concurrently receive their retirement benefits. But they could not come back and be employed more than forty percent of their original teaching assignment, and I have checked this out with the staff of the ways and means committee who worked with pensions, and they have no problem with this language."

MOTION

On motion of Senator Guess, Reengrossed House Bill No. 584, as amended by the Senate, was made a special order of business for 2:00 p.m. today.

SECOND READING

HOUSE BILL NO. 703, by Representatives Conner, Gallagher and Berentson (by Department of Motor Vehicles request):

Revising the laws regulating motor vehicle wreckers.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, House Bill No. 703 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 703, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senator Matson—1.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—10.

HOUSE BILL NO. 703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 737, by Committee on Education (originally sponsored by Representatives Bauer, Whiteside and Warnke):

Allowing school districts to pay for insurance for students in interdistrict activities.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Substitute House Bill No. 737 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 737, and the bill passed the Senate by the following vote: Yeas, 38; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—10.

SUBSTITUTE HOUSE BILL NO. 737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 778, by Representatives Conner, McCormick and Warnke:

Authorizing voluntary deductions for group insurance premiums from state patrol retirement allowances.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 778 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 778, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich,

Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—36.

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

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Sellar, Woody—10.

ENGROSSED HOUSE BILL NO. 778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 952, by Committee on Transportation (originally sponsored by Representatives Conner, Gilleland and Gallagher):

Bringing state motor vehicle equipment standards into conformity with federal standards.

REPORT OF STANDING COMMITTEE

May 3, 1977.

SUBSTITUTE HOUSE BILL NO. 952, bringing state motor vehicle equipment standards into conformity with federal standards (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 21, line 11, strike all of section 25, through and including page 22, line 15, and insert the following:

"Sec. 25. Section 46.37.320, chapter 12, Laws of 1961 as amended by section 1, chapter ____ (SB 3060), Laws of 1977 1st ex. sess. and RCW 46.37.320 are each amended to read as follows:

(1) ~~The state commission on equipment is hereby authorized to approve or disapprove any lighting device((s and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, and their installation, adjustment, and aiming, when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment and to the headlamp standards established by the United Nations agreement concerning the adoption of approval and reciprocal recognition of approval for motor vehicle equipment and parts done at Geneva on March 20, 1958, as amended and adopted by the Canadian standards association (CSA standard D106.2): PROVIDED, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement, as amended, shall be lawful in this state.~~

(2) ~~The state commission on equipment is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted:~~

(3) ~~The state commission on equipment is further authorized to set up the procedure which shall be followed when any device is submitted for approval:~~

(4) ~~The state commission on equipment upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by it.)~~ or other safety equipment, component, or assembly of a type for which approval is required in this chapter or in regulations issued by the state commission on equipment within a reasonable time after such approval has been requested.

(2) The state commission on equipment shall establish the procedure to be followed when request for approval of any lighting device or other safety equipment,

component, or assembly is submitted under this chapter or in regulations issued by the state commission on equipment. The procedure may provide for submission of such device, component, or assembly to any recognized organization or agency such as, but not limited to, the vehicle equipment safety commission, American national standards institute, society of automotive engineers, and the American association of motor vehicle administrators, as the agent of the state commission on equipment and for the issuance of an approval certificate by that recognized organization or agency in lieu of submission of the device, component, or assembly to the state commission on equipment: PROVIDED, That the sale, installation, and use of any headlamp meeting the headlamp standards of either the society of automotive engineers or the United Nations agreement concerning the adoption of approval and reciprocal recognition of approval for motor vehicle equipment and parts done at Geneva on March 20, 1958, as amended and adopted by the Canadian standards association (CSA standard D106.2) shall be lawful in this state.

((5)) (3) The state commission on equipment shall maintain and publish lists of all lamps ((and)), lighting devices, components, assemblies, or other safety equipment by name and type which have been approved by it."

On page 2, line 13 of the title, after "1961" insert "as amended by section 1, chapter _____ (SB 3060), Laws of 1977 1st ex. sess."

Signed by: Senators Henry, Chairman; Beck, Vice Chairman; Bluechel, Guess, Peterson, Sellar, Wanamaker.

The bill was read the second time by sections.

Senator Guess moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Francis: "Will Senator Guess yield? Senator Guess, as I look at this, this looks like sort of an omnibus bill, and of course, that always gets me all excited ever since the days back in the late '60's when Dick Smythe and I used to try to amend the motorcycle helmet law on something like this. I have two questions right away. The first one would be, does this do anything with the motorcycle helmet law?"

Senator Guess: "No, sir, it does not."

Senator Francis: "My second question is, what is the difference between wearing a head set to listen to your stereo and just having your car stereo turned up loud as far as the safety aspects are concerned. Did you have any testimony on that?"

Senator Guess: "No, sir, we didn't have any testimony on that. I don't know—what page are you talking about?"

Senator Francis: "Well, I am looking for it. The floor digest says that this bill prohibits the wearing of a receiving headset or ear phones while driving a motor vehicle. I presume that is because you can't hear emergency sirens or something, but I just wondered if anybody knows the difference between listening to that with ear phones on and listening to your car radio as far as your ability to hear emergency sirens is concerned."

Senator Guess: "From personal experience, Senator, I would say that the biggest problem is that you could not hear sirens or something from outside, and that it would distract your attention. I think that it is bad enough in an automobile to have the radio on too loud, but it is a further diversion to have a headset on because you cannot hear."

REMARKS BY SENATOR DONOHUE

Senator Donohue: "I might make a comment regarding that. For instance, in an aircraft, with certain kinds of headsets that fit over your ears if you have both of them over your ears and you are flying with somebody and he talks to you, you can't

hear him. I think maybe that answers your question because certain kinds of headsets, you absolutely can't hear a voice right next to you, and usually a pilot, for instance, will cock one side of it up so that he can talk to the copilot."

POINT OF INQUIRY

Senator Bottiger: "Before we do that, perhaps I could ask Senator Guess right now. Senator Guess, we have earlier passed a bill relating to the quartz headlamps, and I wasn't able to be present at the hearing on that. I see in this bill a bunch of standards about Geneva and Canada and things like this. Are we undoing what we did before on that quartz headlamp bill?"

Senator Guess: "No, sir. We are doing about the same thing we did in the headlight bill. It hasn't been taken up by the House I understand."

POINT OF INQUIRY

Senator Day: "Thank you, Mr. President. Will Senator Guess yield? Is there anything in this equipment standards that would require that trucks such as logging trucks, big semi's, have any kind of a rear bumper that is of a reasonable height so it will preclude people running under the back of such rigs? I have often thought that that should be one, and if that isn't a safety standard, it should be standard throughout the country. It certainly ought to be."

Senator Guess: "Senator Day, I do not know of the inclusion of that. It has to do primarily with updating the standards of the existing law that has not been in existing law, and there was no testimony that anybody was adding that at the time."

Senator Day: "I will probably want to prepare an amendment."

MOTION

On motion of Senator Van Hollebeke, Substitute House Bill No. 952, together with the committee amendment moved for adoption by Senator Guess, was ordered held for consideration after the noon recess.

MOTION

At 11:25 a.m., on motion of Senator Marsh, the Senate recessed until 12:15 p.m.

NOON SESSION

Senator Sandison presiding called the Senate to order at 12:15 p.m.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1142.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1142, by Committee on Judiciary (originally sponsored by Representatives Knowles and Smith):

Requiring felony judgments to contain fingerprints of the person convicted.

The bill was read the second time by sections.

MOTIONS

On motion of Senator Odegaard, Senator Ridder was excused.

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

On page 1, line 11 after "order." insert: "When requested by the clerk of the court, the actual affixing of fingerprints shall be done by a representative of the office of the county sheriff."

On motion of Senator Francis, the rules were suspended, Substitute House Bill No. 1142, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1142, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 1; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senator Walgren—1.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Ridder, Sellar, Woody—11.

SUBSTITUTE HOUSE BILL NO. 1142, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1153, by Representatives Adams, Pruitt, Lux, Kreidler, Barr and Haley:

Creating handicapped persons priority in the services of the employment security department.

REPORT OF STANDING COMMITTEE

May 5, 1977.

ENGROSSED HOUSE BILL NO. 1153, creating handicapped persons priority in the services of the employment security department (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, strike "priority" and insert "particular and special attention"

On page 1, line 14, strike "Priority" and insert "Particular and special attention"

On page 1, line 15, strike "priority" and insert "particular and special attention"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Francis, Gould, McDermott, Monohon, North, Van Hollebeke, Wojahn.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were considered and adopted simultaneously.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 1153, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1153, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Ridder, Sellar, Woody—11.

ENGROSSED HOUSE BILL NO. 1153, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4, by Representatives Sherman and North:

Directing that the next state ferry be named the "Issaquah".

The resolution was read the second time in full.

On motion of Senator Pullen, the rules were suspended, House Concurrent Resolution No. 4 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, would Senator Pullen yield to a question? Senator Pullen, I want you to realize that 'Puyallup' was probably the leading contender for the name for the new ferry until the Puyallups elected to exercise their fishing rights, or their claimed fishing rights. I want to make sure that the Issaquahs understand that they better not do the same thing, or we will take the name off the boat."

Senator Pullen: "I think you have made a very important point there, and I will sure do my best to communicate that particular concern."

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4, and the resolution passed the Senate by the following vote: Yeas, 35; nays, 2; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—35.

Voting nay: Senators Clarke, Jones—2.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Ridder, Sellar, Woody—11.

HOUSE CONCURRENT RESOLUTION NO. 4, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 18, by Representatives Flanagan and Hansen:

Requesting that the next state ferry be named "Kittitas".

The resolution was read the second time in full.

On motion of Senator Washington, the rules were suspended, Engrossed House Concurrent Resolution No. 18 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? Senator Washington, I have no objection to 'Issaquah' and 'Kittitas', but I am wondering about this not leaving an option, offering two or three names that they may choose from, and further, I wonder about whether or not we should offer the Indian tribes the chance to pick their own names that they would like to have designated, and last, I am wondering if you have completely forgotten your early youth in this legislature when we had a very famous person by the name of 'Julia' that probably should be honored in some manner by having her name submitted, the Indian derivative if you like or the Swedish or whatever?"

Senator Washington: "She was known for her scalping knife. I don't know what the Indian name for that is."

Senator Rasmussen: "I didn't say anything on the previous bill, and of course, the Governor could handle it if she so desires downstairs."

"But the Indians may prefer a different designation or they may even prefer their own spelling when it comes to naming the names in the—. We have not apparently given any consideration of that. We are, in effect, taking their heritage away from them and saying, 'this is it.' I just feel reluctant to do that."

Senator Washington: "The first, I think, it would be much better for a non—unbiased jury such as the legislature to determine between the various Indian names, and 'Kittitas' probably comes the closest to being the way the Indians spell it—or pronounce it than any name that has been Anglicized that I know of. It is one of the most important Indian names on the east side of the state, the county, and the valley, and the tribe was well known. I think it is certainly fitting. I think you can rest assured that this is a good spelling of an Indian name that carries the sound, and I am sure it would meet with great approval of many Indians on the east side of the state."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "I would like to pose a question to you. You know our majority leader is a very quiet, considerate, kindhearted man who doesn't like to push the force of his office off on anybody, but I know he would dearly love to have this ferry named 'Kitsap.' I guess there is a new committee being created for ditches and dikes is now going to get it. But I would like to amend it to 'Kittitas' or 'Kitsap.'"

Senator Sandison: "Senator Talley, it is on third reading."

MOTION

Senator Talley moved the rules be suspended and Engrossed House Concurrent Resolution No. 18 be returned to second reading.

POINT OF INQUIRY

Senator Mardesich: "Mr. President, the other day Senator Talley was making allusions to my expertise in the area of pensions, and I am wondering what his background and expertise is in the way of Indian names, and I think we ought to have an explanation of that before we go on with the subject. Indian, or something like that sort one fine day."

Senator Talley: "You used the words 'I was making allusions'. I thought I was making attacks."

The motion by Senator Talley failed on a rising vote.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 18, and the resolution passed the Senate by the following vote: Yeas, 32; nays, 5; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Sandison, Scott, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—32.

Voting nay: Senators Clarke, Guess, Jones, Rasmussen, Van Hollebeke—5.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Ridder, Sellar, Woody—11.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 18, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 2422, by Senators North, Mardesich, Jones and Herr:

Prohibiting the mandatory retirement of public employees under the age of seventy.

REPORT OF STANDING COMMITTEE

May 18, 1977.

SENATE BILL NO. 2422, prohibiting the mandatory retirement of public employees under the age of seventy (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 14 after "waived" strike all matter through line 17 and insert, "by an employer for individuals attaining 70 years of age with evidence that:"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Fleming, Grant, Jones, Mardesich, Marsh, Matson, Morrison, Newschwander, Rasmussen, Ridder, Scott, Walgren, Washington, Woody.

The bill was read the second time by sections.

Senator North moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator North yield? Senator North, I am not going to ask that question. What I did want to ask, we had this previous bill that Senator Goltz was talking on which would allow a person to continue working over the age of seventy. I think this bill would take the same course, wouldn't it? Wouldn't it handle the problem that he was talking about for those in public employment?"

Senator North: "Yes, it is broader, Senator Rasmussen. The other is focused on higher education, and we haven't discussed it yet, but this affects all public employees except LEOFF and state patrol."

Senator Rasmussen: "So we would not need the other bill then when this passes?"

Senator North: "I think perhaps we had better refer to somebody else to answer that question specifically. I don't want to eliminate the other bill, Senator Rasmussen."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, trying to answer Senator Rasmussen's question, there are two differences here. This bill, as I understand it, allows state employees to continue working beyond the age of seventy, but he could not draw any of his retirement benefits, whereby the other bill dealing with higher education, he could work beyond age seventy, but he could draw his retirement benefits. But he could only work up to forty percent of his previous regular teaching job which is equivalent of what a person under PERS now can work up to seventy hours a month and which is about the forty percent. So, there is a difference, and the one doesn't necessarily conflict with the other."

The motion by Senator North carried and the committee amendment was adopted.

On motion of Senator North, the rules were suspended, Engrossed Senate Bill No. 2422 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2422, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Voting nay: Senator Grant—1.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Ridder, Sellar, Woody—11.

ENGROSSED SENATE BILL NO. 2422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:45 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

Senator Sandison presiding called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 414.

SECOND READING

ENGROSSED HOUSE BILL NO. 414, by Representatives Tilly and Smith (by Judicial Council request):

Modifying the collection of jury costs.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Engrossed House Bill No. 414 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 414, and the bill passed the Senate by the following vote: Yeas, 33; absent or not voting, 6; excused, 9.

Voting yea: Senators Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Grant, Guess, Herr, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—33.

Absent or not voting: Senators Bausch, Goltz, Jones, Matson, Scott, Wanamaker—6.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, McDermott, Newschwander, Peterson, Woody—9.

ENGROSSED HOUSE BILL NO. 414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 952, by Committee on Transportation (originally sponsored by Representatives Conner, Gilleland and Gallagher):

Bringing state motor vehicle equipment standards into conformity with federal standards.

The Senate resumed consideration of Substitute House Bill No. 952.

Earlier today, Senator Guess had moved adoption of the committee amendment.

There being no objection, on motion of Senator Guess the motion to adopt the committee amendment was withdrawn.

On motion of Senator Guess, the committee amendment was not adopted.

Senator Bottiger moved that Substitute House Bill No. 952 be held on the second reading calendar for June 6, 1977.

Debate ensued.

The motion by Senator Bottiger carried. Substitute House Bill No. 952 was ordered held for the second reading calendar June 6, 1977.

MOTION

On motion of Senator Lewis, Senator Wanamaker was excused.

SECOND READING

SENATE BILL NO. 2810, by Senator McDermott:
Relating to education.

MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2810 was substituted for Senate Bill No. 2810, and the substitute bill was placed on second reading and read the second time in full.

Senator Francis moved the rules be suspended, Substitute Senate Bill No. 2810 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, before we move to third reading, I have a question of Senator Francis if he would yield. Senator Francis, the original bill—maybe it isn't in the substitute bill. I believe the original bill had a section in it which said that we shall maintain the same number of ESD's that we presently have, and if there is going to be any further merger there would have to be approval by the legislature. Do you know if that language is still in the substitute bill?"

Senator Francis: "Senator Odegaard, I will read you the entire original bill. It said, 'NEW SECTION. Section 1. Education is essential to the continued welfare of the citizens of this state.' period. That is the end of the bill. That is all it said."

Senator Odegaard: "It was a title only bill, then. Does the substitute bill, then, have language that pertains to the number of ESD's?"

Senator Francis: "If you would permit me, I would ask my assistant, Senator Murray, to deal with this question."

REMARKS BY SENATOR MURRAY

Senator Murray: "Mr. President, members of the Senate, I think the answer to the question is, the original bill took it back to the original number of educational service districts that we had before the two consolidations that just took place. This actually leaves it with the two consolidations that have taken place in the last few months intact. So, those two consolidations will continue, but any further consolidations would have to be cleared."

POINT OF INQUIRY (CONTINUED)

Senator Odegaard: "Mr. President, if that is true, we have a conflict then between this bill and the language we have in the budget bill that passed here, and also the House version of the budget bill has the language that the nine ESD's shall go back to the twelve, I believe it was, before the consolidation. Then, if this language in the substitute bill says that we shall maintain the number we have today, there must be a conflict."

Senator Francis: "Mr. President, again I just think that I am not sure that Senator Murray was responding quite accurately. He referred again to the original bill. The original bill was the title only. I don't know—there must have been something proposed somewhere floating around, but it is not anywhere in our books, that dealt with this. I don't find anything that deals with the number of educational service districts in this bill, Senator Odegaard. It simply goes into the question of what kinds of things educational service districts deal with. It specifies a basic core of services which the ESD's shall provide and it goes into a quite a bit of detail on that, but I don't think that it deals one way or the other with the number or with consolidation, but only with what they are going to do. If there is any doubt in your mind, I think of course, we should hold it until Senator McDermott gets back here, but I was comfortable with the fact that it did not conflict with any other bills on that subject."

POINT OF INQUIRY

Senator Bluechel: "Would Senator Odegaard answer a question, please? Senator Odegaard, as I understand this issue, in the last general session of the legislature we mandated that a couple of ESD's be consolidated, and this was resisted, but was finally done and the consolidation is complete now.

"As I understand it, the budget provisions refer back to the original number of districts which you mentioned prior to the consolidation, and it is my understanding that everything would work out a lot better that if the budget provisions could be changed to conform to this bill which, I believe, takes into account the districts that are already consolidated. Is this possible to do this in the budget?"

Senator Odegaard: "Senator Bluechel, anything I guess, is possible in a conference committee on the budget, a preconference, I mean. That fact is though, it passed both Houses that way, and that is not a point in conflict between the two Houses. I don't recall any bill mandating consolidation of ESD's last session. In fact, it was the reverse of that. We passed a bill saying there shall be no consolidation or change of boundary lines without approval of the legislature, and the Governor vetoed that language."

Senator Bluechel: "Senator Odegaard, I believe that some legislation which consolidated ESD's took place because I have had correspondence from some of the people involved who said they reluctantly consolidated because it was state law. What I am really asking, if this is the case, is it feasible to change the budget to comply or I know it is possible, but is it a practical solution to change the budget to comply?"

Senator Odegaard: "Senator Bluechel, it is possible all right, but there was no law that passed here that said the ESD's must consolidate. In fact, it was the reverse. There was a resolution, I believe, over in the House that spoke to that issue, but that is what I understand is what the state board, or the special committee they appointed on ESD consolidation went on. They were saying that was the intent of the legislature because of a resolution that was worked on in the House. I am not even sure it passed the House, but I do know that the bill that passed both Houses said there shall be no consolidation."

MOTION

On motion of Senator Francis, Substitute Senate Bill No. 2810 was ordered held on the second reading calendar for June 6, 1977.

MOTION

On motion of Senator Jones, Senator Matson was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 225, by Committee on Higher Education (originally sponsored by Representatives Burns, Lux, Zimmerman, Chandler, Gruger, Pruitt and Sanders) (by Commission on Asian-American Affairs request):

Granting resident status to immigrant refugees for college tuition.

REPORT OF STANDING COMMITTEE

April 7, 1977.

HOUSE BILL NO. 225, granting resident status to immigrant refugees for college tuition (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 23, after "refugee", insert ", " and on line 26 after "act," insert, "who".

On page 2, line 3 after "visa" strike the period and insert ": PROVIDED, That such persons have also settled in Washington state for one year immediately prior to enrollment, and are either (1) on parole status, (2) have received an immigrant visa, or (3) have applied for United States citizenship."

Signed by: Senators Odegaard, Chairman; Benitz, Donohue, Goltz, Guess, Sandison.

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendments were adopted.

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

On page 2, beginning on line 4, strike all of section 4.

Re-number remaining section accordingly.

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

On page 1, line 3 of the title, strike "providing a termination date;"

On motion of Senator Odegaard, the rules were suspended, Engrossed Substitute House Bill No. 225, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 225, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 2; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—35.

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

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, Matson, McDermott, Newschwander, Peterson, Wanamaker, Woody—11.

ENGROSSED HOUSE BILL NO. 225, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

REENGROSSED HOUSE BILL NO. 584, by Representatives Thompson, Grimm and Charnley:

Permitting college and university professors to request trustee or regent approval to continue teaching beyond age seventy.

The time having arrived, the Senate resumed consideration of Reengrossed House Bill No. 584. Earlier today, the committee amendment was adopted.

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

On page 1, line 21, after "after" strike "July 1, 1970" and insert "the effective date of this act"

On motion of Senator Odegaard, the rules were suspended, Reengrossed House Bill No. 584, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 584, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 3; absent or not voting, 3; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Goltz, Guess, Herr, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—31.

Voting nay: Senators Grant, Keefe, Rasmussen—3.

Absent or not voting: Senators Fleming, Gaspard, Jones—3.

Excused: Senators Benitz, Buffington, Gould, Hayner, Henry, Matson, McDermott, Newschwander, Peterson, Wanamaker, Woody—11.

REENGROSSED HOUSE BILL NO. 584, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, all bills passed by the Senate today were ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 138, by Committee on State Government (originally sponsored by Representatives Eng, Lux, Pardini, Maxie, Blair, Greengo, Hanna, Salatino and Shinoda) (by Commission on Asian-American Affairs request):

Continuing the Washington state commission on Asian-American affairs until June 30, 1983.

REPORT OF STANDING COMMITTEE

May 11, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 138, continuing the Washington state commission on Asian-American affairs until June 30, 1983 (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On line 20, after "effect" strike "immediately" and insert "July 1, 1977"

On line 3 of the title after "appropriation;" insert "prescribing an effective date;"

Signed by: Senators Rasmussen, Chairman; Bausch, Buffington, Day, Gould, Henry.

The bill was read the second time by sections.

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

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

MOTION

On motion of Senator Clarke, Engrossed Substitute House Bill No. 138, as amended by the Senate, was ordered held on the second reading calendar for June 6, 1977.

SPECIAL ORDER OF BUSINESS
SECOND READING

ENGROSSED HOUSE BILL NO. 355, by Representatives Burns, Vrooman, Lux, Pruitt, Clemente, Lysen, Charnley, Douthwaite and Sherman:

Relaxing income limitations for retired persons' property tax exemption.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 355. Earlier today, the committee amendment had been moved for adoption and amended by Senator Donohue. Senator Goltz had moved adoption of an amendment by Senators Goltz, Marsh, Rasmussen, Talley and Beck and the amendment was amended by Senator Morrison.

Debate ensued.

The motion by Senator Goltz failed and the amendment, as amended, was not adopted.

On motion of Senator Rasmussen, the following amendment to the committee amendment was adopted:

On page 3, line 8, strike "August" and insert "October"

Senator Scott moved adoption of the following amendment to the committee amendment:

On page 2, line 38 after "." insert:

"For claims filed in 1978 and each year thereafter, the income range limitations prescribed by this subsection (and as previously adjusted pursuant to this paragraph) shall be adjusted by the percentage change in the consumer price index in Seattle for the twelve month period ending September 30 of the previous year."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Would Senator Donohue yield? Senator Donohue, one of your remarks, I would like to have you clarify. You said 'if we can pass a budget.'"

Senator Donohue: "When, Senator. I am sorry."

Further debate ensued.

The motion by Senator Scott failed and the amendment to the committee amendment was not adopted.

MOTION

On motion of Senator Odegaard, Senator Fleming was excused.

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

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 355, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 355, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—37.

Excused: Senators Benitz, Buffington, Fleming, Gould, Hayner, Henry, Matson, McDermott, Peterson, Wanamaker, Woody—11.

ENGROSSED HOUSE BILL NO. 355, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Odegaard, Senators Day and Goltz were excused.

SECOND READING

HOUSE BILL NO. 733, by Representatives Conner, Gallagher and Gilleland (by Department of Motor Vehicles request):

Prescribing penalties for misuse of transporter plates.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, House Bill No. 733 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 733, and the bill passed the Senate by the following vote: Yeas, 34; absent or not voting, 1; excused, 13.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Donohue, Francis, Gaspard, Grant, Guess, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn—34.

Absent or not voting: Senator Walgren—1.

Excused: Senators Benitz, Buffington, Day, Fleming, Goltz, Gould, Hayner, Henry, Matson, McDermott, Peterson, Wanamaker, Woody—13.

HOUSE BILL NO. 733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1232, by Representative Gaines:
Permitting catalytic converters to be removed from emergency vehicles.
The bill was read the second time by sections.

POINT OF INQUIRY

Senator Bluechel: "Will Senator Guess yield to a question? Senator Guess, in the House there was an amendment put on that extended the use of catalytic converters to all vehicles. Is it still on?"

Senator Guess: "Senator Bluechel, this bill is exactly as the House wrote it. It is a total bill without any amendments."

MOTION

On motion of Senator Bluechel, Engrossed House Bill No. 1232 was ordered held on the third reading calendar for June 6, 1977.

MOTION

On motion of Senator von Reichbauer, Substitute House Bill No. 837 was ordered held on the second reading calendar for June 6, 1977.

MOTION

On motion of Senator Rasmussen, Substitute House Bill No. 1310 was ordered held on the second reading calendar for June 6, 1977.

MOTION

On motion of Senator Marsh, Senate Bill No. 2179 was ordered held on the second reading calendar for June 6, 1977.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 643, by Committee on Judiciary (originally sponsored by Representatives Deccio, Knowles, Whiteside and Chandler):
Granting grandparent visitation rights.

REPORT OF STANDING COMMITTEE

April 25, 1977.

SUBSTITUTE HOUSE BILL NO. 643, granting grandparent visitation rights (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On line 11, after "circumstances" strike "PROVIDED, That it shall be presumed to be in the best interest of the child for a court to order visitation rights for any kindred of blood of the child who has developed a relationship with the child and provided support either financial or emotional"

On line 16, after "Any" strike "kindred of blood of the child" and insert "person"

Signed by: Senators Francis, Chairman; Marsh, Vice Chairman; Buffington, Hayner, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments were adopted.

MOTIONS

On motion of Senator Odegaard, Senator Keefe was excused.

On motion of Senator Francis, the rules were suspended, Substitute House Bill No. 643, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Will Senator Francis yield? Senator Francis, I have received some communications from various people who are interested in what they referred to as a 'grandparents law.' There have been changes and amendments and whatever. I am sure you know what those people had in mind when they wrote me, and my question is, does this bill satisfy their concern?"

Senator Francis: "Senator Wilson, I think this bill does satisfy their concern. We were most concerned about grandparents and grandparents' rights, and we believe that this makes quite explicit, even more explicit, what we tried to do in 1973 which was make it clear that grandparents had a right to go to court and seek visitation. This bill goes beyond that however, and it says that any person, in effect, who

believes that they have a relationship with a child that is such that it is in the best interest of that child that they not be denied visitation, they could take that to the court and petition. Many of the things that were written into both the Senate and the House bills earlier as criteria would, of course, be taken into consideration in determining whether or not it is in the best interest of the child. But I believe we have met the needs of those people who want to insure that grandparents can seek court enforcement of their visitation rights.

"I should caution you however, one thing, and that is that this does not guarantee that just because they are grandparents that they can get visitation rights over the objection of the parents. They are going to have to make the same showing that the parents would or anybody else, and that is that those visits are for the benefit of the children."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 643, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 1; absent or not voting, 1; excused, 14.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Francis, Gaspard, Grant, Guess, Herr, Jones, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—32.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Donohue—1.

Excused: Senators Benitz, Buffington, Day, Fleming, Goltz, Gould, Hayner, Henry, Keefe, Matson, McDermott, Peterson, Wanamaker, Woody—14.

SUBSTITUTE HOUSE BILL NO. 643, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 508, by Committee on Social and Health Services (originally sponsored by Representatives O'Brien, Fischer and Lux):

Regulating the sale of hypodermic needles.

The bill was read the second time by sections.

MOTIONS

On motion of Senator Odegaard, Senator Rasmussen was excused.

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

On page 1, line 14, after "veterinarian" insert "or other person, firm or corporation regularly engaged in the sale of veterinarian supplies"

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute House Bill No. 508, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 508, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; excused, 15.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Donohue, Francis, Gaspard, Grant, Guess, Herr, Jones, Lewis, Mardesich, Marsh, Monohon,

Morrison, Murray, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—33.

Excused: Senators Benitz, Buffington, Day, Fleming, Goltz, Gould, Hayner, Henry, Keefe, Matson, McDermott, Peterson, Rasmussen, Wanamaker, Woody—15.

ENGROSSED HOUSE BILL NO. 508, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 825, by Representatives Hansen and Conner:

Revising county road administration procedures relating to certificates of good practice.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, House Bill No. 825 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 825, and the bill passed the Senate by the following vote: Yeas, 31; absent or not voting, 2; excused, 15.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Donohue, Francis, Gaspard, Grant, Guess, Herr, Jones, Lewis, Mardesich, Marsh, Monohon, Morrison, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—31.

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

Excused: Senators Benitz, Buffington, Day, Fleming, Goltz, Gould, Hayner, Henry, Keefe, Matson, McDermott, Peterson, Rasmussen, Wanamaker, Woody—15.

HOUSE BILL NO. 825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:08 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Monday, June 6, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, June 6, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Donohue, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar and Woody. On motion of Senator Jones, Senators Benitz, Matson, Pullen, Scott and Sellar were excused. On motion of Senator Odegaard, Senators Donohue, Fleming, Mardesich, Rasmussen and Woody were excused.

The Color Guard, consisting of Pages Erin McClain and Kim Lynch, presented the Colors. Reverend Robert M. Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"HEAVENLY FATHER, AS THIS NEW DAY YOU HAVE GIVEN US HAS DAWNED FRESH AND CLEAR SO GIVE THE MEN AND WOMEN IN THIS ROOM NEW STRENGTH TO BE ABOUT THEIR DIFFICULT TASK. GRANT THEM CONTINUED WISDOM AND INSIGHT, AND A WILLINGNESS TO COOPERATE WITH ONE ANOTHER.

"MAY THEIR DECISIONS TODAY PROMOTE THE GOOD OF THE PEOPLE THEY HAVE BEEN CHOSEN TO SERVE. IN JESUS' NAME. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

June 4, 1977.

Mr. President: The House has passed:
 SUBSTITUTE SENATE BILL NO. 2529,
 SENATE BILL NO. 2678,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3028, and the same are
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 3, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 619 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 4, 1977

Mr. President: The Speaker has signed:
 HOUSE BILL NO. 46,
 HOUSE BILL NO. 208,
 HOUSE BILL NO. 447,
 HOUSE BILL NO. 474,
 HOUSE BILL NO. 627, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 4, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 615,
 SUBSTITUTE HOUSE BILL NO. 625,
 SUBSTITUTE HOUSE BILL NO. 741, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 46,
 HOUSE BILL NO. 208,
 HOUSE BILL NO. 447,
 HOUSE BILL NO. 474,
 SUBSTITUTE HOUSE BILL NO. 615,
 SUBSTITUTE HOUSE BILL NO. 625,
 HOUSE BILL NO. 627,
 SUBSTITUTE HOUSE BILL NO. 741.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2529,
 SENATE BILL NO. 2678,
 SUBSTITUTE SENATE BILL NO. 3028.

June 4, 1977.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 37,
 and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 4, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 2877 and the House amendment to page 8, line 2, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Nelson (Dick), Heck and Fuller.

DEAN R. FOSTER, Chief Clerk.

June 4, 1977.

Mr. President: The House refuses to concur in the Senate amendments to Substitute House Bill No. 867 and asks the Senate for a conference thereon; and the Speaker has appointed as members of the conference committee: Representatives Sommers, McKibbin, Newhouse, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Marsh, the request of the House for a conference on Substitute House Bill No. 867 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 867 and the House amendments thereto: Senators Marsh, Jones and Grant.

MOTION

On motion of Senator Sandison, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has receded from its amendments to ENGROSSED SENATE BILL NO. 2215 on page 7, beginning on line 17, and page 7, after line 25; and refuses to recede from the amendments to page 1, line 1 of the title, and page 2, line 22, and again asks the Senate to concur thereon, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Francis moved the Senate concur in the House amendments to page 1, line 1 of the title and page 2, line 22 to Engrossed Senate Bill No. 2215.

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Francis yield, please? Senator, do we have a presumption that the person that wrote the will intended to revoke?"

Senator Francis: "Senator Van Hollebeke, the present law, which with the House amendment would not be changed, says that if after making a will, the testator marries and the spouse is living at the time of the death of the testator, the will is deemed revoked. That will continue to be in effect. There is allowed provision for the survivor by marriage settlement, and it says under present law, 'unless such survivor be provided for in the will or in such way mentioned therein as to show an intention not to make such provision.' The present law says, 'and no other evidence to rebut the presumption of revocation shall be received.'

"The Senate amendment would have allowed other evidence in to rebut that presumption."

Senator Van Hollebeke: "O.K., so the presumption is still there."

Senator Francis: "The presumption is still there, and the effect of our going along with this House amendment is to leave the law the way it is now."

The motion by Senator Francis carried and the Senate concurred in the House amendments to page 1 of the title and page 2, line 22 to Engrossed Senate Bill No. 2215.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2215, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—36.

Absent or not voting: Senators Gaspard, Walgren—2.

Excused: Senators Benitz, Donohue, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—10.

ENGROSSED SENATE BILL NO. 2215, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2172 with the following amendments:

On page 1, line 9, after "authorized" insert ": PROVIDED, HOWEVER, That a person licensed to perform acupuncture under this section shall only do so under the direct supervision of a licensed osteopathic physician"

On page 1, line 21, after "means" strike all material down to and including "analgesia" on line 24, and insert "the insertion of needles into the human body by piercing the skin of the body for the purpose of relieving pain, treating disease, or to produce analgesia, or as further defined by rules and regulations of the board"

On page 1, line 24, after section 1, add a new section as follows:

"NEW SECTION. Sec. 2. There is added to chapter 18.71A RCW a new section to read as follows:

(1) The performance of acupuncture for the purpose of demonstration, therapy, or the induction of analgesia by a person licensed under this chapter shall be within the scope of practice authorized: PROVIDED, HOWEVER, That a person licensed to perform acupuncture under this section shall only do so under the direct supervision of a licensed physician.

(2) The board shall determine the qualifications of a person authorized to perform acupuncture under subsection (1) of this section. In establishing a procedure for certification of such practitioners the board shall consider a license or certificate which acknowledges that the person has the qualifications to practice acupuncture issued by the government of the Republic of China (Taiwan), the Peoples' Republic of China, British Crown Colony of Hong Kong, Korea, Great Britain, France, the Federated Republic of Germany (West Germany), Italy, Japan, or any other country or state which has generally equivalent standards of practices of acupuncture as determined by the board as evidence of such qualification.

(3) As used in this section "acupuncture" means the insertion of needles into the human body by piercing the skin of the body for the purpose of relieving pain, treating disease, or to produce analgesia, or as further defined by rules and regulations of the board."

On page 1, line 1 of the title, after "acupuncture;" insert "adding a new section to chapter 18.71A RCW;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talley, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2172.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2172, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 10; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Henry, Herr, Keefe, Marsh, McDermott, Monohon,

Morrison, Murray, Odegaard, Peterson, Ridder, Talley, Van Hollebeke, von Reichbauer, Washington, Wojahn—26.

Voting nay: Senators Gould, Guess, Hayner, Jones, Lewis, Newschwander, North, Sandison, Wanamaker, Wilson—10.

Absent or not voting: Senators Grant, Walgren—2.

Excused: Senators Benitz, Donohue, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—10.

ENGROSSED SENATE BILL NO. 2172, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 653.

SECOND READING

HOUSE BILL NO. 653, by Representatives Warnke, Greengo and Charnley (by Department of Motor Vehicles request):

Safeguarding the purchaser's contribution of money toward construction, completion, or maintenance of improvements to a land development.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 653 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 653, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrisort, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting: Senator Walgren—1.

Excused: Senators Benitz, Donohue, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—10.

HOUSE BILL NO. 653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1310, by Committee on Ecology (originally sponsored by Representative Valle):

Defining "date of filing" with regard to a permit for a variance or a conditional use under the shoreline management act.

REPORT OF STANDING COMMITTEE

May 6, 1977.

SUBSTITUTE HOUSE BILL NO. 1310, defining "date of filing" with regard to a permit for a variance or a conditional use under the shoreline management act (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 32, after "department." strike all the matter down through "government." on line 36, and insert "With regard to a permit issued pursuant to subsection (12) of this section, the "date of filing" shall mean the date a decision of the department is transmitted to the local government."

On page 5, beginning on line 26, strike all the matter down through page 6, line 8, and insert

~~"((10) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:~~

~~(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; or~~

~~(b) (i) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and~~

~~(ii) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and~~

~~(iii) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and~~

~~(iv) The development is completed within two years after the effective date of this chapter.)~~

On page 6, line 9 strike "(11)" and insert "(((++))) (10)"

On page 6, line 18, strike "(12)" and insert "(((+2))) (11)"

Signed by: Senators Washington, Chairman; Goltz, Murray, North.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were adopted.

On motion of Senator Washington, the rules were suspended, Substitute House Bill No. 1310, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1310, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—38.

Absent or not voting: Senator Walgren—1.

Excused: Senators Benitz, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—9.

SUBSTITUTE HOUSE BILL NO. 1310, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, by Committee on Social and Health Services (originally sponsored by Representatives Fortson, Shinpoch, Haley, Newhouse, Adams, Hanna, Whiteside and Lux):

Requiring independent audits for nursing homes.

REPORT OF STANDING COMMITTEE

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, requiring independent audits for nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Section 1. The legislature finds that reliability of financial information is dependent upon the application of generally accepted accounting principles and adherence to published rules of the department of social and health services. To assure that these accounting principles and rules are being applied to reports submitted by nursing homes, the legislature finds it necessary to require certain reports submitted by nursing homes to be audited by the department of social and health services in the manner prescribed in sections 2 and 3 of this act.

NEW SECTION, Sec. 2. All annual cost reports submitted to the state by a nursing home shall be audited annually through a field audit conducted by auditors under contract with or employed by the department of social and health services. The secretary of the department of social and health services shall establish an audit manual and program which shall require that all audits, conducted either through contract or by department employees:

(1) Comply with generally accepted auditing standards prescribed by the American institute of certified public accountants;

(2) Include a written opinion as to whether allowable costs included in the report are presented fairly in accordance with generally accepted accounting principles and department rules, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;

(3) Are conducted by accounting firms or auditors who, during the period of the auditors' professional engagement or employment and during the period covered by the financial statements, do not have nor are committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of a nursing home in this state;

(4) Are conducted by accounting firms or auditors who, as a condition of the contract or employment, are not allowed to have nursing home clients during or within two years of termination of their contract or employment;

(5) Are conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants;

(6) Are supervised by a certified public accountant;

(7) Are completed within one year after the annual cost report is submitted by the nursing home; and

(8) Provide to the nursing home complete written interpretations which explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, and which are sufficient to permit the nursing home to calculate with reasonable certainty those costs which are allowable and the settlement to which the nursing home is entitled.

NEW SECTION. Sec. 3. (1) The department of social and health services shall prepare a written summary of any audit disallowance which exceeds five hundred dollars. Where the department pays rates or proposes settlement of accounts at less than the nursing home's actual reported costs, which have been verified by audit, the department shall for each cost center, as determined under department rules, advise the nursing home management of the rules and regulations justifying reimbursement at less than actual cost. Where the nursing home is pursuing judicial or administrative remedies in good faith regarding reimbursement settlement issues the department shall not withhold from the nursing home current payment amounts the department claims to be due from the nursing home.

(2) All financial reports and information submitted by nursing homes to the department of social and health services and all final audit narratives and summaries reviewing the submitted material shall be available for public inspection. By December 31, 1979, all nursing homes shall submit annual cost reports based on their federal tax year, which shall coincide with a common fiscal year as determined by the secretary of the department of social and health services.

(3) The department shall, without identifying individual nursing homes, make available to the public full information regarding its cost-finding and rate-setting methodology for nursing home care. The information shall include, but not necessarily be limited to, the following:

- (a) Ranges, averages, and median costs for all cost centers;
- (b) Departmental budget projections which reflect probable economic trends;
- (c) Computer models and programs, with related documentation sufficient to explain them, used or proposed by the department to evaluate cost reports, establish cost projections, establish rates, or, in whole or in part, determine settlements; and
- (d) All raw data relied upon by the department for any such cost-finding or rate-setting activities.

The department shall, prior to April 1 of each year, file with the senate ways and means and house appropriations committees, and make available to the public, a comprehensive report concerning all of the above matters.

NEW SECTION. Sec. 4. The nursing home payment system under this chapter shall provide for individually-based or class-based rates which shall be the maximum reimbursement for each nursing home for the period for which the rates are assigned. Operators of nursing homes shall refund all portions of payments received which exceed actual audited costs and all portions of payments received which are attributable to unreasonable or nonallowable costs as determined by federal or state regulations.

NEW SECTION. Sec. 5. Payment rates shall:

(1) Not be set lower prospectively than the level which may reasonably be expected to reimburse in full for actual allowable costs under federal regulations for a nursing home which is economically and efficiently operated;

(2) Realistically take into account economic conditions and trends during the time period covered by the rates;

(3) Be at least annually redetermined;

(4) Permit as allowable those expenses necessary to meet all items of expense which operators of nursing homes must incur to provide federally defined skilled or intermediate care services;

(5) Meet the reasonable cost of patient assessment activity as required by the department; and

(6) Meet the reasonable cost of accounting requirements.

Reasonable costs shall be determined independently of the level of funding available, in accordance with federal regulations and guidelines.

NEW SECTION. Sec. 6. Nothing in this chapter shall preclude the state auditor from conducting post audit examinations of public funds pursuant to RCW 43.09.330 or other applicable law.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall be added to chapter 74.09 RCW.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, Herr, Monohon, Wojahn.

The bill was read the second time by sections.

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

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 1189, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1189, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 2; excused, 9.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn—37.

Absent or not voting: Senators Walgren, Wanamaker—2.

Excused: Senators Benitz, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 217, by Committee on Insurance (originally sponsored by Representatives Charnley, Newhouse, Knowles, Knedlik, Monohon and Grier):

Increasing insurance coverage required for auto transportation companies to obtain certificate of operation.

The bill was read the second time by sections.

On motion of Senator Bluechel, the rules were suspended, Substitute House Bill No. 217 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Guess, Substitute House Bill No. 217 was ordered held for further consideration on third reading after the noon recess.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 348, by Committee on Social and Health Services (originally sponsored by Representatives Fortson, Kroidler, Lux, Adams, Pearsall, Pruitt and Haley):

Permitting emergency suspension or restriction of nursing home operations.

REPORT OF STANDING COMMITTEE

May 9, 1977.

SUBSTITUTE HOUSE BILL NO. 348, permitting emergency suspension or restriction of nursing home operations (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

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

"NEW SECTION, Section 1. There is added to chapter 18.51 RCW a new section to read as follows:

(1) No later than September 30, 1977, the secretary shall implement and operate a patient assessment system whereby the characteristics of patients supported by the department under RCW 74.09.120 shall be computerized for the purpose of setting appropriate levels of staffing and reimbursement for nursing homes in accordance with the documented needs of the client population in each home.

(2) No later than November 30, 1977, the board of health shall adopt revised licensing standards for nursing homes after the fiscal impact of each revised standard has been assessed by the department. The licensing standards shall be suitable for:

(a) Implementing the civil penalty system authorized under this chapter;

(b) Identifying and measuring the outcomes of services delivered by the nursing home;

(c) Assessing the fiscal impact on health care delivered under the licensing standards; and

(d) Determining rates to meet client needs.

(3) No later than January 1, 1978, all payments made to nursing homes by the department shall meet the reasonable cost of:

(a) Complying with the revised licensing standards;

(b) Complying with federal standards; and

(c) Meeting client needs;

as the reasonable costs are determined under federal regulations.

(4) No later than July 1, 1978, the department shall adopt all those regulations which meet all conditions necessary to fully implement the civil penalty system authorized by this chapter."

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, McDermott, Van Hollebecke, Wojahn.

The bill was read the second time by sections.

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

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 348, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 348, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 2; excused, 9.

Voting yea: Senators Bausch, Beck, Blucchel, Bottiger, Buffington, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebecke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—37.

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

Excused: Senators Benitz, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—9.

SUBSTITUTE HOUSE BILL NO. 348, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 512, by Committee on Local Government (originally sponsored by Representatives Kreidler, Keller and Thompson):

Permitting counties, cities, and districts to make bank deposits of salaries.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 512 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 512, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; absent or not voting, 2; excused, 9.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wjahn—36.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Lewis, Walgren—2.

Excused: Senators Benitz, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—9.

SUBSTITUTE HOUSE BILL NO. 512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 880, by Committee on Education (originally sponsored by Representatives Bauer, Heck, Whiteside, Fortson and Clemente):

Implementing law relating to school principals and their powers and duties and allowing school district management teams.

REPORT OF STANDING COMMITTEE

April 27, 1977.

SUBSTITUTE HOUSE BILL NO. 880, implementing law relating to school principals and their powers and duties and allowing school district management teams (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, strike all of section 2.

Renumber the remaining section consecutively.

Signed by: Senators McDermott, Chairman; Gaspard, Gould, Hayner, Murray, Washington.

The bill was read the second time by sections.

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

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 880, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 880, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Absent or not voting: Senator Peterson—1.

Excused: Senators Benitz, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—9.

SUBSTITUTE HOUSE BILL NO. 880, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 933, by Representatives Charnley and Conner:

Permitting roadside area information panels.

The bill was read the second time by sections.

On motion of Senator Beck, the rules were suspended, Engrossed House Bill No. 933 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 933, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; absent or not voting, 2; excused, 9.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Voting nay: Senator Grant—1.

Absent or not voting: Senators Newschwander, Peterson—2.

Excused: Senators Benitz, Fleming, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Woody—9.

ENGROSSED HOUSE BILL NO. 933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 952, by Committee on Transportation (originally sponsored by Representatives Conner, Gilleland and Gallagher):

Bringing state motor vehicle equipment standards into conformity with federal standards.

The Senate resumed consideration of Substitute House Bill No. 952. On June 4, 1977, on motion of Senator Guess, the committee amendment was not adopted.

Senator Van Hollebeke moved adoption of the following amendment by Senators Grant, Francis, Goltz, Pullen, Bausch and Van Hollebeke:

On page 44, line 8 after "RCW 46.37.370." insert:

"Sec. 55. Section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530 are each amended to read as follows:

(1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driver cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle.

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment.

~~((c)) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.))~~

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields and protective helmets ~~((required in this section))~~. The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved.

Sec. 2. Section 10, chapter 232, Laws of 1967 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment.

~~((No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained.))"~~

Renumber the remaining sections consecutively.

POINT OF INQUIRY

Senator Day: "Mr. President, will Senator Grant yield to a question? Senator Grant, have you ever seen any of the pictures that were taken after a motorcycle accident of people without helmets, or even those with, for that matter?"

Senator Grant: "Yes, Senator, I have."

Senator Day: "Of course, I realize that may be what you are debating here is the right of individual choice to go out and commit hari-kari, but they really ought to be called 'murdercycles.' I have been thinking maybe we should put some kind of armor on their spines too, for what it can do to that. I just wonder what the rationale here is for taking away a safety device on a motorcycle."

Senator Grant: "Senator Day, I am not sure that you would be one in favor of, and I haven't discussed this with you at any great length, but I am not sure that you would be one in favor of requiring air bags in automobiles, or requiring automobile drivers to wear helmets, or some of the other restrictive kinds of legislation that we have set—matter of fact, though, the wearing of a helmet can, from testimony I have heard and I have listened in on a few of these judiciary committee hearings in regard to this matter, can be a problem with regard to vision, a problem with regard to hearing and may, in fact, be a cause of accidents with regard to motorcycles."

"I think they are a very dangerous means of transportation, and I don't deny that at all, but I should think that people should have an opportunity to make that selection themselves."

Debate ensued.

POINT OF ORDER

Senator Talley: "Mr. President, I would like to raise scope and object."

MOTION

On motion of Senator Bottiger, Substitute House Bill No. 952, together with the amendment by Senators Grant, Francis, Goltz, Pullen, Bausch and Van Hollebeke and the Point of Order raised by Senator Talley, was held for further consideration following the noon recess.

MOTIONS

On motion of Senator Talley, Senator Washington was excused.

On motion of Senator Marsh, Senators Francis, Goltz, Guess, Day and Sandison were excused.

On motion of Senator Jones, Senator Clarke was excused.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2810, by Committee on Education (originally sponsored by Senator McDermott):

Implementing law relating to existing educational service districts and the election of board members thereof.

The Senate resumed consideration of Substitute Senate Bill No. 2810. On June 4, 1977, the substitute bill was substituted for Senate Bill No. 2810 and held on the second reading calendar for consideration today.

Senator Grant moved adoption of the following amendment:

On page 9, line 4, strike "school directors of each school district within the educational service district" and insert "registered voters of the respective board member district"

Debate ensued.

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

President Pro Tempore Henry assumed the Chair.

Senator Odegaard moved adoption of the following amendment:

On page 2, after line 34, insert a new section to read as follows and renumber the remaining sections accordingly:

"Sec. 2. Section 2, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.020 are each amended to read as follows:

The state board of education upon its own initiative, ((at any time it deems advisable)) or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.21.010: PROVIDED, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes."

POINT OF INQUIRY

Senator Beck: "Mr. President, Senator Odegaard, would you yield to a question, please? A session or two ago there was a study resolution made here about consolidating or even eliminating these educational school districts, and I don't remember of ever hearing anything about that.

"Earlier on in this session we had a bill floating around here and it got out on the floor. Someone put an amendment on it. I don't remember whether it was carried or whether it was adopted or not, but it said providing that the school educational service districts will remain as they were last September before district 110 and 111 were consolidated. Could you tell me the status of school districts 110 and 111? Are they still consolidated, or what happened to that bill?"

Senator Odegaard: "110 and 111, I believe that is King and Pierce counties—"

Senator Beck: "King and Pierce counties, yes. They were consolidated in a bill—by last September by the state board, yes. And we put it on as an amendment here, that they go back to that original boundary. What is the status of that bill now?"

Senator Odegaard: "The language you are talking about is included in the budget bill. Both the Senate and House version of the budget have that language, that there shall be no merger of ESD's."

Senator Beck: "Does it go back to what it was last September or—"

Senator Odegaard: "Yes, it goes back to what it was prior to September first of last year."

Senator Beck: "And this bill will not, in any way, affect that only to say that before they could do it again, they would just have to vote on it?"

Senator Odegaard. No, right. That is right, Senator Beck."

Debate ensued.

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

On motion of Senator Peterson, the following amendment by Senator Odegaard was adopted:

On page 3, line 16, strike "probable" and insert "sufficient"

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

On page 1, line 4 of the title, after "28A.21.010;" insert "amending section 2, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.020;"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 2810 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2810 and the bill passed the Senate by the following vote: Yeas, 30; nays, 7; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Buffington, Day, Donohue, Francis, Gaspard, Goltz, Gould, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wojahn—30.

Voting nay: Senators Bottiger, Clarke, Grant, McDermott, Newschwander, Wanamaker, Wilson—7.

Excused: Senators Benitz, Fleming, Guess, Mardesich, Matson, Pullen, Rasmussen, Scott, Sellar, Washington, Woody—11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2810, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:25 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 1232, by Representative Gaines:

Permitting catalytic converters to be removed from emergency vehicles.

The Senate resumed consideration of Engrossed House Bill No. 1232. The bill was held on second reading on June 4, 1977 for consideration today.

Senator Bluechel moved adoption of the following amendment:

On page 1, line 8, after "vehicle" insert "used as a police vehicle, or ambulance, an emergency aid vehicle, or a fire department vehicle"

Debate ensued.

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

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 1232, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Jones, Senator Clarke was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1232, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas 28; nays, 11; absent or not voting, 2; excused, 7.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Gaspard, Goltz, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Odegaard, Ridder, Sandison, Sellar, von Reichbauer, Walgren, Washington, Wilson, Wojahn—28.

Voting nay: Senators Bluechel, Francis, Gould, Grant, Guess, Newschwander, North, Scott, Talley, Van Hollebeke, Wanamaker—11.

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

Excused: Senators Benitz, Clarke, Mardesich, Matson, Pullen, Rasmussen, Woody—7.

ENGROSSED HOUSE BILL NO. 1232, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:46 p.m., on motion of Senator Walgren, the Senate recessed until 3:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:45 p.m.

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

REPORT OF STANDING COMMITTEE

June 2, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, limiting marine bulk petroleum shipment transfer facilities (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Gaspard, Hayner, Lewis, Wilson.

MOTION

Senator Bottiger moved the rules be suspended, Engrossed Substitute House Bill No. 743 be advanced to second reading and placed on the second reading calendar.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained by Senators Wojahn, Washington, von Reichbauer, Goltz, North, Lewis, Hayner, Jones and Wilson.

Further debate ensued.

MOTION

On motion of Senator Marsh, Senators Donohue, Odegaard and Scott were excused.

The President declared the question before the Senate to be the motion by Senator Bottiger that the rules be suspended, Engrossed Substitute House Bill No. 743 be advanced to second reading and placed on the second reading calendar.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 23; nays, 17; absent or not voting, 2; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Lewis, McDermott, Monohon, Murray, North, Ridder, Sandison, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—23.

Voting nay: Senators Beck, Benitz, Buffington, Clarke, Day, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, Morrison, Newschwander, Sellar, Talley, Walgren—17.

Absent or not voting Senators Herr, Peterson—2.

Excused: Senators Donohue, Odegaard, Pullen, Rasmussen, Scott, Woody—6.

MOTION

On motion of Senator Bottiger, the Secretary of the Senate was instructed to place a copy of Engrossed Substitute House Bill No. 743, together with the committee amendments, on each member's desk for their information.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Sandison, the Senate moved to reconsider the vote by which Engrossed Substitute House Bill No. 743 was advanced to second reading and placed on the second reading calendar.

Senator Bottiger demanded a roll call and the demand was sustained by Senators North, Talley, Grant, Francis, Wojahn, Bluechel, Lewis, Bausch, Wilson and Jones.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to suspend the rules and advance Engrossed Substitute House Bill No. 743 to second reading and place on the second reading calendar on reconsideration.

ROLL CALL

The Secretary called the roll and the motion carried, on reconsideration, by the following vote: Yeas, 23; nays, 17; absent or not voting, 2; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Lewis, Matson, McDermott, Monohon, North, Peterson, Ridder, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—23.

Voting nay: Senators Beck, Benitz, Buffington, Clarke, Day, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Morrison, Newschwander, Sandison, Sellar, Talley, Walgren—17.

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

Excused: Senators Donohue, Odegaard, Pullen, Rasmussen, Scott, Woody—6.

MOTION

On motion of Senator Walgren, Engrossed Substitute House Bill No. 743 was ordered placed on the second reading calendar for June 7, 1977.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2608, with the following amendments:

On page 3, after line 35, insert a new subsection as follows:

"(9) "State planning agency" shall mean that agency designated by law or executive order to fulfill the functions established by 42 U.S.C. Section 3701, the "Omnibus Crime Control and Safe Streets Act of 1968", as amended."

On page 6, after line 26, insert a new section to read as follows:

NEW SECTION, Sec. 6. Criminal history record information which consists of nonconviction data only shall be subject to deletion from criminal justice agency files which are available and generally searched for the purpose of responding to inquiries concerning the criminal history of a named or otherwise identified individual when two years or longer have elapsed since the record became nonconviction data as a result of the entry of a disposition favorable to the defendant, or upon the passage of three years from the date of arrest or issuance of a citation or warrant for an offense for which a conviction was not obtained unless the defendant is a fugitive, or the case is under active prosecution according to a current certification made by the prosecuting attorney.

Such criminal history record information consisting of nonconviction data shall be deleted upon the request of the person who is the subject of the record: PROVIDED, HOWEVER, That the criminal justice agency maintaining the data may, at its option, refuse to make the deletion if:

(1) The disposition was a deferred prosecution or similar diversion of the alleged offender;

(2) The person who is the subject of the record has had a prior conviction for a felony or gross misdemeanor;

(3) The individual who is the subject of the record has been arrested for or charged with another crime during the intervening period.

Nothing in this chapter is intended to restrict the authority of any court, through appropriate judicial proceedings, to order the modification or deletion of a record in a particular cause or concerning a particular individual or event."

Renumber the remaining sections accordingly.

On page 7, line 32, strike "Washington state judicial council" and insert "state planning agency"

On page 8, line 1, strike "judicial council" and insert "state planning agency"

On page 8, line 7, strike "Washington state judicial council" and insert "state planning agency"

On page 8, line 10, strike "judicial council" and insert "state planning agency"

On page 8, line 13, strike "judicial council" and insert "state planning agency"

On page 9, beginning on line 21, strike all of Section 12 down to and including "public." on line 12, page 11 and renumber the remaining sections consecutively

In line 6 of the title, after "43.43.810;" strike everything down to and including "42.17.260;" in line 8 of the title, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Substitute Senate Bill No. 2608 except for the amendment to page 9, line 21, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2525, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. The legislative transportation committee is authorized to conduct the following studies and activities and such other related studies and activities as it deems appropriate, may employ consultants, and shall report findings and recommendations, as appropriate, to the legislature during or prior to the 1979 regular legislative session:

(1) Review local, state, and national needs studies, for the purpose of evaluating the consolidation of such needs studies;

(2) Evaluate the method of collection and administration of special fuel taxes to include, but not be limited to, economies in administration of the tax and evasion of such fuel taxes;

(3) Continue reviewing the interrelationship of state and federal laws and regulations with respect to administering federal programs within the state, including but not limited to, laws affecting right of way and environmental protection, considering alternatives of decentralization of administration and supervision to the state;

(4) Evaluate the Washington state highway cost allocation study and other related literature to determine alterations to the present transportation taxation structure which may improve equity among the various classes of vehicles and users;

(5) Conduct a review of current maritime regulation including, but not limited to:

- (a) The interrelationship of federal and state maritime safety regulations;
- (b) Safety procedures for handling hazardous cargoes;
- (c) Possible sources of funding for waterway safety improvements;
- (d) Current laws regarding vessel accident liability;
- (6) In cooperation with the Washington state highway commission, conduct a needs study for a highway crossing the Saddle mountains between Royal City and the Wahluke slope;

(7) In cooperation with the highway commission, evaluate the need to upgrade state route 17, from a junction with state route 97 near Chief Joseph Dam to its southern terminus near Eltopia; such study shall determine the feasibility of improving the alignment so as to make state route 17 the principal north-south corridor through central Washington;

(8) Evaluate the cost impact of granting reciprocity to motor vehicles registered in other states until the expiration of the current registration period;

(9) In cooperation with the utilities and transportation commission, review the regulation of auto transportation companies with particular attention to assigned certificated routes which are not currently being served;

(10) Develop policies, procedures, and criteria to be used by the legislature to determine relative priorities for use of state motor vehicle fund revenues by state agencies, counties, and cities, including development of alternative methods of financing activities of the Washington state patrol which are currently appropriated from the motor vehicle fund;

(11) Evaluate operations of the Washington state ferry system including toll structure, scheduling practices, vessel acquisition, and terminal facilities, to promote more efficient utilization of state ferry vessels;

(12) Evaluate the desirability and feasibility of developing a state-wide transportation marketing plan. The evaluation shall consider, but not be limited to, the desirability of publishing a state transportation guide, coordination between public and private transit operations, the role of the state in implementing such a plan, and case studies of marketing techniques which can be undertaken by large and small public and private transit operators;

(13) Examine alternative methods of reducing traffic congestion, including participation in demonstration projects to increase vehicle occupancy, and/or to stagger working hours, for the public in general and of state employees in particular;

(14) Perform an analysis of statutes that must be amended or repealed, and the identification and definition of revenue sources that may be varied in order to achieve uniformity with other member states and ensure equity of prevailing transportation rates as the result of implementation of the international registration plan;

(15) Continue research into the most feasible economic means to provide convenient and reliable single-stop service for permit issuance to intrastate and interstate commercial vehicles;

(16) Determine the most effective means to coordinate and implement state-wide bicycle safety instruction from among the various programs of federal, state, and local agencies, and interested professional and citizen's groups;

(17) Determine the need for realignment of state route 20 between Sedro Wooley and state route 5. Such study shall include route selection and cost analysis of various alternatives. The results of said study shall be reported to the legislature by January 30, 1978;

(18) Review statutes related to transportation and make recommendations for the rewrite of certain statutes or the repeal of obsolete or temporary provisions;

(19) Perform a comprehensive study to determine the feasibility of submitting and appropriating future highway commission capital budgets on the basis of total

contract costs (obligations), as opposed to the current practice of budgeting expenditures for only one biennium;

(20) Evaluate the statutory route designation of state route 20 between Okanogan and Tonasket;

(21) Review state involvement in aviation including:

(a) The taxation structure for commercial and third-level air carriers, and for general aviation;

(b) The need for third-level air carrier regulations including route certification, service levels, and fair standardization;

(c) The availability of adequate funding for necessary local airport improvements; and

(d) The need for a policy by which the aeronautics commission, or the department of transportation if it is created, can prevent the construction of or remove structures which pose a hazard to the flight of aircraft;

(22) Continue to develop policies and guidelines for biennial state highway commission review of highways with respect to whether sections should be added to or deleted from the state highway system; said study shall include reevaluation of all designated routes, whether or not constructed with recommendations on specific routes whose statutory designation as state routes should be reaffirmed;

(23) Study the size and weight laws of commercial vehicles of this state and other western states with the view toward achieving uniformity where the best interest of our state would be served;

(24) Perform a study to determine the feasibility and cost effectiveness of asphalt-rubber membranes for application in highway construction;

(25) Determine the need for realignment and/or upgrading of state route 530 between Arlington and Darrington;

(26) Determine the need for improvements to state route 509 in view of increased marine vessel activity at the Port of Tacoma;

(27) Review driver licensing procedures within the department of motor vehicles including, but not limited to:

(a) The present lack of the use of the point system and the establishment of the new system;

(b) The effectiveness of methods of current practices for license suspension or removal and subsequent driver rehabilitation program;

(c) Changes that have occurred in the past several years making it difficult (through courts or legislation) to administer restrictive programs or penalties;

(d) Maintenance of accident records and release of those records to insurance companies;

(28) Survey court decisions within the state of Washington relating to motor vehicle laws, including:

(a) The concurrence or disregard of present motor vehicle laws, especially mandatory laws by the counties;

(b) A study of the other decisions affecting the drinking driver laws, including juvenile court practices and decisions affecting young drivers;

(29) Review current state and federal standards on motor vehicle equipment and motor vehicle modifications and make recommendations for changes which will promote highway safety;

(30) Review existing environmental legislation which affects the construction of public works projects to formulate effective alternative relief for the enforcement of such laws other than the use of temporary or permanent injunctions or other stays which result in the delay of such projects. The study shall further consider effective means of recovering losses sustained by taxpayers as the result of construction delays caused by improvidently granted injunctions or stays;

(31) Review, in cooperation with Metro, other public transit agencies in the state of Washington, and the urban mass transportation administration methods of improving public transit through value capture financing;

(32) Continue review of the statutes relating to regulation of common carriers, and an examination of whether the public interest is being best served through such regulation;

(33) Review, in cooperation with the department of highways, the statutes relating to outdoor advertising, and examine existing public policy relating to scenic and recreational highways;

(34) Examine the need for advertising on school bus shelters as a means of paying the cost of such shelters;

(35) Participate, in cooperation with the state department of transportation, if one is created, in the rail studies authorized by the Amtrak improvement act of 1974 and the railroad revitalization and regulatory reform act of 1976;

(36) Examine, in cooperation with public transit agencies of the state, a coordinated method of funding public transit systems;

(37) Undertake a pilot project of the effectiveness of a bus service to the East Olympia railroad station. The study shall examine the effect on railroad ridership of having bus service available for Olympia patrons;

(38) A study of the use of jitneys or vanpools, particularly in rural areas, as a means of complementing public transit systems;

(39) Conduct a comparison cost-benefit study on means of reducing vehicle noise levels by (a) vehicle emission controls and (b) the construction of noise attenuation devices or structures at roadside. The study shall consider four representative sites on state highways, including one on state route 405 in the vicinity of Norwood Village. In developing the cost and effectiveness of vehicle emission controls, the committee shall use any prior studies so as to avoid duplication of effort;

(40) Study the feasibility of improving intercity rail passenger and connecting bus service. The committee may enter into contracts for the purpose of providing connecting bus service to selected train depots and such other services which are deemed to be useful in preparing the feasibility study;

(41) Review the quality of landscaping adjacent to state highways as well as the role of the landscape architect in highway planning, in cooperation with the state department of transportation, if one is created;

(42) Examine the need for the state to encourage broader utilization of the metric system on signs along the state highway system;

(43) Review in cooperation with the department of highways and, if deemed appropriate, develop revisions of the existing priority programming laws now codified in chapter 47.05 RCW which will assure that in the long and short term allocation of available construction funds adequate consideration is given to the lack of feasible alternative modes of transportation to the private automobile within many of the rural, suburban, and small urban areas of the state.

NEW SECTION. Sec. 2. The following studies shall be undertaken with the concurrence of the legislative transportation committee:

(1) The Washington state highway commission is hereby authorized to prioritize the needs among, and provide for the installation of, emergency traffic control devices at rural fire district stations in consultation with the legislative transportation committee and the house and senate transportation committees. In developing the priorities for funding such control devices, the commission shall consider the recommendations of the county road administration board, the traffic safety commission, and the Washington fire commissioners.

(2) The Washington state highway commission is hereby directed to conduct a study of the potential need for and the engineering, social, economic, environmental,

and financial feasibility of a third bridge across the Columbia river between Clark county, Washington, and Oregon.

Said study shall include forecasts and analyses of regional population growth trends as well as traffic growth trends. It shall further evaluate the feasibility of various potential locations for such a bridge, and its potential as a corridor for public transportation.

The highway commission and the department of highways shall make every effort to obtain the cooperation of the Oregon transportation commission, the Oregon department of transportation, and the Columbia region association of governments in conducting said study.

The final study results shall be reported to the forty-sixth legislature in January, 1979; periodic progress reports shall be made to the legislative transportation committee and the house and senate transportation committees at their request.

(3) The Washington state highway commission is hereby directed to conduct a feasibility study of the construction of a toll bridge across the Columbia river in the vicinity of the northern part of Richland so as to permit a highway connection between state route 240 and federal aid interstate 182 near Pasco.

The study shall be conducted in conjunction with the Tri-Cities metropolitan area transportation study and will utilize traffic projections based upon the latest population and employment data update scheduled for completion by June, 1977.

A report shall be submitted to the legislative transportation committee and the house and senate transportation committees by January 1, 1979.

(4) The Washington state highway commission is authorized and directed to conduct a study of the need to construct a bypass of the Woodinville community on state route 202 near Northeast 190th and Northeast 195th in King county.

The commission is directed to complete the study and submit its findings to the legislature on or before December 31, 1978.

NEW SECTION. Sec. 3. The planning and community affairs agency, or the state department of transportation, if one is created, is hereby authorized and directed to prepare a market analysis on the feasibility of extending passenger service within and beyond the boundaries of the state and of the desirability of entering into a contract with the national railroad passenger corporation for such extended service. The agency or department shall submit the feasibility analysis to the national railroad passenger corporation by October 15, 1977, and report to the 1978 session of the legislature its recommendations for further action.

Sec. 4. Section 7, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.070 are each amended to read as follows:

The county road administration board shall:

(1) Establish by regulation, standards of good practice for county road administration.

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board.

(3) Receive and review reports from counties and reports of the county road administration engineer to determine compliance with legislative directives and the standards of good practice adopted by the board.

(4) Report annually on the first day of July to the state highway commission ~~((and the joint committee on highways))~~, the legislative transportation committee, and the house and senate transportation committees on the status of county road administration in each county. The annual report shall contain recommendations for improving administration of the county road programs.

Sec. 5. Section 36, chapter 3, Laws of 1963 ex. sess. as amended by section 1, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.020 are each amended to read as follows:

The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation (~~(and utilities)~~) committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation (~~(and utilities)~~) committees.

Sec. 6. Section 2, chapter 195, Laws of 1971 ex. sess. as amended by section 19, chapter 293, Laws of 1975 1st ex. sess. and RCW 44.40.025 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020 the committee(;) and the standing committees on ((ways and means and on)) transportation ((and utilities)) of the house and senate shall, in coordination with the legislative budget committee, the senate ways and means committee, the house committee on revenue, and the house committee on appropriations, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

Sec. 7. Section 38, chapter 3, Laws of 1963 ex. sess. as amended by section 3, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.030 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation committee (~~(is further authorized and directed to)~~) may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) ((im)) activities of the national committee on uniform traffic laws and ordinances; ((and)) (3) ((im)) any interstate reciprocity or proration meetings designated by the Washington reciprocity commission; and (4) such other organizations as it deems necessary and appropriate.

Sec. 8. Section 39, chapter 3, Laws of 1963 ex. sess. as last amended by section 3, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.040 are each amended to read as follows:

The members of the legislative transportation committee and the house and senate transportation (~~(and utilities)~~) committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120 as now or hereafter amended. All expenses incurred by the committee, and the house and senate transportation (~~(and utilities)~~) committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of program planning and fiscal management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 9. Section 1, chapter 201, Laws of 1973 1st ex. sess. and RCW 44.40.070 are each amended to read as follows:

Prior to October 1 of each even-numbered year all state agencies whose major programs consist of transportation activities, including the state highway commission, the toll bridge authority, the urban arterial board, the Washington state patrol, the department of motor vehicles, the traffic safety commission, the county road administration board, and the aeronautics commission, shall adopt or revise after consultation with the legislative transportation committee, and/or senate and house transportation (~~(and utilities)~~) committees, a long range plan of not less than

six years and a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The long range plan shall state the general objectives and needs of each agency's major transportation programs.

The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period.

Sec. 10. Section 2, chapter 210, Laws of 1973 1st ex. sess. and RCW 44.40.090 are each amended to read as follows:

Powers and duties enumerated by this chapter shall be delegated to the senate and house transportation (~~and utilities~~) committees during periods when the legislative transportation committee is not appointed.

Sec. 11. Section 3, chapter 210, Laws of 1973 1st ex. sess. as amended by section 7, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.100 are each amended to read as follows:

The legislative transportation committee and/or the senate and house transportation (~~and utilities~~) committees may enter into contracts on behalf of the state to carry out the purposes of (~~this 1975 act [1975 1st ex. s. c 268] and~~) chapter 44.40 RCW as amended; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

Sec. 12. Section 2, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.120 are each amended to read as follows:

The house and senate transportation (~~and utilities~~) committees shall periodically review the six-year comprehensive plans submitted by cities and counties for expenditures for bicycle, pedestrian, and equestrian facilities prepared pursuant to (~~chapter 215 (Senate Bill No. 2348), Laws of 1975 1st ex. sess.~~) RCW 35.77.010 and 36.81.121.

Sec. 13. Section 47.01.220, chapter 13, Laws of 1961 as amended by section 3, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.220 are each amended to read as follows:

The state highway commission shall report to the legislature through the legislative transportation committee and senate and house transportation (~~and utilities~~) committees on the highway needs of the state.

Sec. 14. Section 1, chapter 167, Laws of 1965 ex. sess. and RCW 47.02.010 are each amended to read as follows:

The Washington state highway commission is authorized in accordance with the provisions of this chapter and RCW 79.24.500 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories and facilities on the east capitol site for the use of the Washington state highway commission and the department of highways and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests or grants or by such additional funds as the legislature may provide. (~~Before start of construction the plans shall be submitted to the state capitol committee for approval and to the joint committee on highways for its advice.~~)

Sec. 15. Section 4, chapter 173, Laws of 1963 as last amended by section 3, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.040 are each amended to read as follows:

(1) Prior to October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with

the legislative transportation committee and senate and house transportation (~~and utilities~~) committees a comprehensive six year program and financial plan for highway construction, maintenance, and planning activities.

(2) The highway construction program for the ensuing six years shall allocate to category A improvements as a whole, and then to each of the five functional classes of state highways, that percentage of the estimated available construction funds as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall then apportion the available category A construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining category A improvement needs for each functional class of highway within each highway district bears to the total of such estimated needs for each functional class remaining unsatisfied throughout the state.

(3) The commission shall allocate to category B improvements for the ensuing six years, the estimated available federal aid interstate funds and state matching funds as necessary to accomplish the commission's long range plan for category B highway improvements throughout the state.

(4) The commission shall allocate to category C improvements for the ensuing six years, the remaining estimated available construction funds to accomplish to the extent possible the commission's long range plan for category C highway improvements throughout the state.

Sec. 16. Section 171, chapter 51, Laws of 1970 ex. sess. as amended by section 26, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.850 are each amended to read as follows:

A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967 in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

The (~~joint committee on highways~~) legislative transportation committee, the house and senate transportation committees, and the Washington state highway commission shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.

Sec. 17. Section 22, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 291, Laws of 1971 ex. sess. and RCW 47.26.160 are each amended to read as follows:

The urban arterial board shall:

(1) Adopt rules and regulations necessary to implement the provisions of this chapter relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties and cities.

(2) Adopt reasonably uniform design standards for city and county arterials which meet the requirements for urban development.

(3) Report biennially on the first day of November of the even-numbered years to the state highway commission (~~and the joint committee on highways~~), the legislative transportation committee, and the house and senate transportation committees regarding progress of cities and counties in developing long range plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties.

NEW SECTION. Sec. 18. There is hereby appropriated from the aeronautics account of the general fund to the legislative transportation committee, for the biennium ending June 30, 1979, the sum of five thousand dollars, or so much thereof as may be necessary, to carry out the provisions of section 1(21) of this 1977 amendatory act.

NEW SECTION. Sec. 19. The following acts or parts of acts are each hereby repealed effective June 30, 1977:

(1) Section 4, chapter 210, Laws of 1973 1st ex. sess., section 1, chapter 2, Laws of 1975, section 8, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.110;

(2) Section 5, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.125;

(3) Section 6, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.130;

(4) Section 57, chapter 281, Laws of 1969 ex. sess. and RCW 47.16.220;

(5) Section 2, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.662;

(6) Section 1, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.510; and

(7) Section 2, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.520.

NEW SECTION. Sec. 20. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title after "transportation;" strike the remainder of the title and insert "amending section 36, chapter 3, Laws of 1963 ex. sess. as amended by section 1, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.020; amending section 2, chapter 195, Laws of 1971 ex. sess. as amended by section 19, chapter 293, Laws of 1975 1st ex. sess. and RCW 44.40.025; amending section 38, chapter 3, Laws of 1963 ex. sess. as amended by section 3, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.030; amending section 39, chapter 3, Laws of 1963 ex. sess. as last amended by section 3, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.040; amending section 1, chapter 201, Laws of 1973 1st ex. sess. and RCW 44.40.070; amending section 2, chapter 210, Laws of 1973 1st ex. sess. and RCW 44.40.090; amending section 3, chapter 210, Laws of 1973 1st ex. sess. as amended by section 7, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.100; amending section 2, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.120; amending section 47.01.220, chapter 13, Laws of 1961 as amended by section 3, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.220; amending section 7, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.070; amending section 1, chapter 167, Laws of 1965 ex. sess. and RCW 47.02.010; amending section 4, chapter 173, Laws of 1963 as last amended by section 3, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.040; amending section 171, chapter 51, Laws of 1970 ex. sess. as amended by section 26, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.850; amending section 22, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 291, Laws of 1971 ex. sess. and RCW 47.26.160; creating new sections; repealing section 4, chapter 210, Laws of 1973 1st ex. sess., section 1, chapter 2, Laws of 1975, section 8, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.110; repealing section 5, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.125; repealing section 6, chapter 268, Laws of 1975 1st ex. sess. and RCW 44.40.130; repealing section 57, chapter 281, Laws of 1969 ex. sess. and RCW 47.16.220; repealing section 2, chapter 267, Laws of 1975 1st ex. sess. and RCW 47.20.662; repealing section 1, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.510; repealing section 2, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.520; making an appropriation; and declaring an emergency.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Beck, the Senate concurred in the House amendments to Substitute Senate Bill No. 2525.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2525, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 5; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Peterson, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Absent or not voting Senators Bottiger, Fleming, Mardesich, Murray, Sandison—5.

Excused: Senators Donohue, Odegaard, Pullen, Rasmussen, Scott, Woody—6.

SUBSTITUTE SENATE BILL NO. 2525, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 2527, with the following amendment:

On page 2, line 5, after "with" strike "conscious purpose to injure the owner" and insert "intent to deprive the owner of or exert unauthorized control over the property", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Henry moved the Senate refuse to concur in the House amendment to Reengrossed Substitute Senate Bill No. 2527 and asks the House to recede therefrom.

Debate ensued.

MOTION

On motion of Senator Marsh, further consideration of the House Message on Reengrossed Substitute Senate Bill No. 2527 and the motion by Senator Henry were ordered held following consideration of the House Message on Engrossed Senate Bill No. 2042.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2042, with the following amendments:

On page 2 of the printed engrossed bill beginning on line 15 strike all the material down to and including "board." on line 4 on page 4 and insert the following:

"Sec. 2. Section 1, chapter 18, Laws of 1935 as last amended by section 73, chapter ... (ESSB 2924), Laws of 1977 1st ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the secretary of transportation of the state of Washington, or the secretary's designee who shall be an employee of the department of transportation, who shall be (~~chairman of the board, and of four~~) chairperson,

and four members appointed by the governor and confirmed by the senate. Each of said appointed members shall be appointed for a term of four years from the date of ((his)) said member's commission. No person shall be eligible for appointment to said board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. ((Two)) One of said appointed commissioners shall be a pilot((s)) licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of ((their)) appointment. ((Two)) One of said appointive commissioners shall be actively engaged in the ownership, operation, ((or)) and management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of ((their)) appointment. ((One of)) The shipping ((individuals)) commissioner shall be a representative of American ((and one of foreign)) shipping. The remaining appointed commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on the effective date of this 1977 amendatory act, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointive commissioners shall hold office for the period for which they are appointed and until their successors are appointed and qualified, ((and)) except that the governor when first appointing commissioners after the effective date of this 1977 amendatory act, shall appoint the pilot representative to a term of two years, the shipping representative to a term of three years, and the remaining commissioners to terms of three and four years respectively. Any vacancy in an appointive position on the board shall be filled by the governor for a term of four years, subject to confirmation by the senate.

(3) Three members of the board shall constitute a quorum. All commissioners and the chairperson shall have a vote.

Sec. 3. Section 2, chapter 18, Laws of 1935 as last amended by section 74, chapter ... (ESSB 2924), Laws of 1977 1st ex. sess. and RCW 88.16.020 are each amended to read as follows:

The department of transportation of the state of Washington shall be the office of the board and all records of the board shall be kept in said office. Each pilotage commissioner shall receive the sum of ((twenty-five)) forty dollars per day for each day actually engaged in the conduct of the business of the board, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the chairman of said board.

The board is authorized to employ personnel, pursuant to chapter 41.06 RCW, as necessary to conduct the business of the board."

On page 9, line 7, strike "member" and insert "members"

On page 9, line 18, after "(6)" insert "All pilots and"

On page 10, line 23, after "who shall" insert "knowingly"

On page 10, line 24, after "who shall" insert "knowingly"

On page 10, line 25, after "who shall" insert "knowingly"

On page 11, after line 10, strike the remainder of the section and insert:

"The initial license issued by the board to a pilot who has successfully completed his examination shall not authorize such pilot to perform pilotage services for any vessel on waters subject to the authority of this chapter on any vessel of a size of twenty-five thousand tons deadweight or more for the first two year period that such licensee becomes an active pilot and such license shall contain a written limitation which shall provide that the named licensee is not authorized to engage in the pilotage of any vessel of a size of twenty-five thousand tons deadweight or more on any waters of the state subject to the authority of the provisions of this chapter. The date

of the commencement and expiration of such two year period of limitation shall be endorsed upon such initial license."

On page 12, line 32, after "RCW." insert "The board shall prescribe the time of and method for retention of forms which have been signed by the master of a vessel in accordance with the provisions of this section."

On page 15, line 13, add new sections as follows:

"NEW SECTION. Sec. 16. There is added to chapter 88.16 RCW a new section to read as follows:

Any oil tanker which does not comply with the federal provisions to have on board copies of current and accurate navigational charts for the waters through which and to which it is bound shall, within twenty miles of Port Angeles, notify the pilot station of the failure to have on board such charts. If the vessel was built prior to 1960 or is over forty thousand deadweight tons, a pilot shall be required before the vessel approaches ten miles west of Port Angeles. The board of pilotage commissioners shall establish a special tariff and charge for charts taken aboard vessels by pilots and for the extra services of a pilot required by this section.

New Section. Sec. 17. There is added to chapter 88.16 RCW a new section to read as follows:

Vessels carrying crude oil or refined petroleum products, which are over forty thousand deadweight tons or were built before 1960 shall have towboats tied up and in tow of said vessel, said vessel to be also under its own power, in any waterways which are less than one mile in width or ten fathoms in depth, or both.

NEW SECTION. Sec. 18. There is added to chapter 88.16 RCW a new section to read as follows:

Any vessels designed for the purpose of carrying liquefied propane or natural gas as its cargo shall adhere to RCW 88.16.190(2) as though it were an oil tanker.

NEW SECTION. Sec. 19. There is added to chapter 88.16 RCW a new section to read as follows:

The board of pilotage commissioners, in concert with the department of ecology, shall design a course of instruction for state licensed pilots which will instruct the pilots in detection of faulty loading and offloading equipment used in the transfer of bulk petroleum products or crude oil transfers. The department of ecology may utilize persons presently employed whose function is to inspect oil transfer facilities to instruct the programs.

The board shall, for each pilot who completes the course, endorse the pilot's license issued by the board with the date of instruction and "Oil Transfer Facility Inspection Certificate". Pilots shall be required to maintain this certificate from time to time as determined by the board. All pilots licensed by the state shall have completed this course of instruction no later than January, 1979 in order to keep their licenses current and valid."

Renumber the following sections accordingly.

On page 1, line 1 of the title after "pilotage;" and before "amending" on line 5 of the title strike all the material and insert "amending section 1, chapter 18, Laws of 1935 as last amended by section 73, chapter ... (ESSB 2924), Laws of 1977 1st ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 74, chapter ... (ESSB 2924), Laws of 1977 1st ex. sess. and RCW 88.16.020; ", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Talley, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2042, and asks the House to recede therefrom.

MOTION

On motion of Senator Marsh, the Senate resumed consideration of the House Message on Reengrossed Substitute Senate Bill No. 2527.

There being no objection, on motion of Senator Henry, the motion to not concur in the House amendment to Reengrossed Substitute Senate Bill No. 2527, was withdrawn.

MOTION

Senator Henry moved the Senate do concur in the House amendment to Reengrossed Substitute Senate Bill No. 2527.

Debate ensued.

The motion carried.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendment to Reengrossed Substitute Senate Bill No. 2527.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2527, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 3; absent or not voting, 5; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Ridder, Sellar, Talley, Wanamaker, Washington, Wilson, Wojahn—34.

Voting nay: Senators Bottiger, Grant, Van Hollebecke—3.

Absent or not voting Senators Jones, Matson, Sandison, von Reichbauer, Walgren—5.

Excused: Senators Donohue, Odegaard, Pullen, Rasmussen, Scott, Woody—6.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2527, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 4, 1977.

Mr. President: The House has passed SENATE BILL NO. 2563, with the following amendment:

On page 2, line 7, beginning with "guilty" strike all the material to and including "subject" on line 7 and insert "subject to a civil penalty of up", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Grant, the Senate concurred in the House amendment to Senate Bill No. 2563.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2563, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—39.

Absent or not voting Senators Bottiger, Sandison, Walgren—3.

Excused: Senators Donohue, Odegaard, Pullen, Rasmussen, Scott, Woody—6.

SENATE BILL NO. 2563, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 6, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2668, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 6, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2668, enacting a landlord-tenant act for mobile home lots, have had the same under consideration, and we recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Van Hollebeke, Hayner and Marsh; Representatives Ehler, Smith and Tilly.

MOTION

On motion of Senator Marsh, the report of the Free Conference Committee on Engrossed Senate Bill No. 2668 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2668, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—40.

Absent or not voting Senators Bottiger, Walgren—2.

Excused: Senators Donohue, Odegaard, Pullen, Rasmussen, Scott, Woody—6.

ENGROSSED SENATE BILL NO. 2668, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

June 6, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 928, as amended by the Senate, revising energy emergency powers and procedures, have had the same under consideration, and we recommend that we cannot agree and request the powers of Free Conference in order to recommend that the Senate amendment be adopted with the following amendments:

Beginning on page 3, after line 26, strike all of section 4 down through line 18 on page 7 and insert:

"Sec. 4. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.040 are each amended to read as follows:

~~((In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter.))~~

(1) ~~The governor may~~~~((, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific))~~ subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers ~~((further enumerated))~~ as set forth in this ~~((section))~~ chapter shall become effective only within the area described in the declaration. ~~((Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session.))~~

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) ((The)) A condition of ((^a))energy ((supply alert^a)) emergency shall terminate ((after sixty)) forty-five consecutive days after the declaration of such condition unless ((a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension)):

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply(,:); or

((tb)) (c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing ((condition of ^a))energy ((supply alert^a)) emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

((3) The conditions)) (4) A condition of ((an)) energy supply alert or energy emergency shall ((alternatively)) cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session: **PROVIDED**, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

((4)) (6) In a ((declared state)) condition of energy ((supply alert)) emergency, the governor may, ((upon recommendation or approval of the energy advisory council)) as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement ((such)) programs, controls, standards, and priorities(, and quotas) for the production, allocation, ((conservation,)) and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement

regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority (~~quota~~) or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of (~~a declared state~~) the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor. The emergency powers granted to the governor in this chapter shall expire on June 30, 1980.

On page 13, beginning on line 30, strike all after "members." down to and including the period on line 34 and insert "The chairmen of the senate and house energy and utilities committees shall alternately serve as chairman for one year terms. The chairman of the house committee shall serve as the initial chairman. The chairman may designate another committee member to serve as chairman in his or her absence."

On page 15, line 33 of the amendment, after "of the" and before "condition" on line 34, strike "initial"

On page 16, line 2, after "of the" and before "condition" on line 3, strike "initial"

On page 16, line 3, after "additional" and before "consecutive" strike "thirty" and insert "forty-five"

Signed by: Senators Bottiger, Matson and Bausch; Representatives Lysen, Martinis and Dunlap.

MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 928.

REPORT OF CONFERENCE COMMITTEE

June 1, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, as amended by the Senate, expanding the cemetery board and providing for its abolition in 1979, have had the same under

consideration, and we report that we cannot agree and request powers of Free Conference in order to recommend the following: That the Senate amendment to Engrossed Substitute House Bill No. 68, striking everything after the enacting clause and the title amendment, not be adopted and the following substitute amendment and title amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 31, chapter 290, Laws of 1953 and RCW 68.05.040 are each amended to read as follows:

A cemetery board is created to consist of ~~((five))~~ six members to be appointed by the governor. The first five members shall be appointed within thirty days after June 11, 1953. The terms of the five members first appointed shall expire: One, January 15, 1954; one, January 15, 1955; one, January 15, 1956; and two, January 15, 1957. Thereafter appointments shall be for a four year term. The sixth member shall be appointed within thirty days of the effective date of this 1977 amendatory act, and shall serve a four year term.

Sec. 2. Section 32, chapter 290, Laws of 1953 and RCW 68.05.050 are each amended to read as follows:

Three members of the board shall be ~~((appointed only from))~~ persons who have had ~~((, immediately preceding their appointment,))~~ a minimum of five ~~((consecutive))~~ years experience in this state in the active administrative management of a cemetery corporation or as a member of the board of directors thereof for this period ~~((and shall at the time of their appointment, have the actual and full authority of a president, general manager, or executive vice president, but they shall hold office only so long as they continue in such active, actual, and authoritative capacity. The five year consecutive period shall be exclusive of time spent in the armed services)).~~ Two members of the board shall be persons who have legal, accounting, or other professional experience which relates to the duties of the board. The sixth member of the board shall represent the general public and shall not have a financial interest in the cemetery business.

Sec. 3. Section 40, chapter 290, Laws of 1953 as amended by section 16, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.180 are each amended to read as follows:

Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually, on or before the thirtieth day of June, a written report in form prescribed by the board setting forth:

(1) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care:

(a) From June 12, 1943, to the first day of January of the year preceding the filing of this report.

(b) From the first day of January through the thirty-first day of December of the preceding year.

(2) The amount collected and deposited in both the general and special endowment care funds:

(a) Prior to June 12, 1943.

(b) From June 12, 1943, to the first day of January preceding the filing of this report.

(c) From the first day of January through the thirty-first day of December of the preceding year segregated as to the amounts deposited for crypts, niches, and grave space.

(3) A statement showing the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall show the actual financial condition of the funds.

(4) A statement showing the information required to be filed pursuant to RCW 68.46.090.

These reports shall be verified by the president or vice president (~~(and)~~), one other officer of the cemetery authority (~~(and shall be certified by)~~), the accountant or auditor preparing the same, and a certified public accountant in accordance with generally accepted auditing standards.

Sec. 4. Section 51, chapter 290, Laws of 1953 as amended by section 4, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the board, based on the number of interments, entombments, and inurnments made during the preceding full calendar year, but not exceeding (~~(twenty-five)~~) one hundred dollars for one hundred or less, (~~(fifty)~~) two hundred dollars for one hundred one to three hundred fifty, (~~(seventy-five)~~) three hundred dollars for three hundred fifty-one to seven hundred, (~~(one)~~) five hundred dollars for seven hundred one or more; plus an additional charge of not more than (~~(fifty cents)~~) one dollar per interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules, and regulations of the board, the board will issue a certificate of authority.

Sec. 5. Section 9, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.090 are each amended to read as follows:

Any cemetery authority selling prearrangement merchandise or other prearrangement services shall file in its office or offices and with the cemetery board a written report upon forms prepared by the cemetery board which shall state the amount of the principle of the prearrangement trust fund or funds, the depository of such fund or funds, and cash on hand which is or may be due to such fund as well as such other information the board may deem appropriate. All information appearing on such written reports shall be revised at least annually and shall be verified by the president, (~~(and)~~) the secretary or auditor preparing the same, and a certified public accountant in accordance with generally accepted auditing standards.

NEW SECTION. Sec. 6. There is added to chapter 68.46 RCW a new section to read as follows:

The provisions of this chapter do not apply to any of the following: Any religious corporation, church, coroner, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them, any county, town, or city cemetery.

NEW SECTION. Sec. 7. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

In the title, strike everything after "AN ACT" and insert "Relating to cemeteries; amending section 31, chapter 290, Laws of 1953 and RCW 68.05.040; amending section 32, chapter 290, Laws of 1953 and RCW 68.05.050; amending section 40, chapter 290, Laws of 1953 as amended by section 16, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.180; amending section 51, chapter 290, Laws of 1953 as amended by section 4, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.230; amending section 9, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.090; and adding a new section to chapter 68.46 RCW."

Signed by: Senators Day and Newschwander; Representatives Ehlers, Charette and Nelson (Gary).

MOTION

On motion of Senator Day, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 68.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 2654, on page 5, line 9, and has passed the bill without the amendment, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2654, without the House amendment to page 5, line 9.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 2654, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting Senator Benitz—1.

Excused: Senators Donohue, Odgaard, Pullen, Rasmussen, Scott, Woody—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, by Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie):

Revising the juvenile justice and care system.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 371, on second reading. On May 31, 1977 Senator Francis had moved adoption of the committee amendment. On June 3, 1977 amendments to the committee amendments had been considered. At that time, the following amendment by Senator Pullen to the committee amendment and the following amendment by Senator Francis to the following amendment by Senator Pullen were under consideration:

On page 30, line 28, after "decrees" insert "PROVIDED, That no support payments shall be required of parents requesting the return of their children"

Amend the amendment to page 30, line 28, as follows:

After "children" insert ", unless such parent has been found to have abused or neglected such children"

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

Amend the amendment to page 30, line 28 as follows:

After "PROVIDED, That no support payments shall be required" strike "of parents requesting the return of their children" and insert "of a parent who,

throughout a dependency proceeding pursuant to section 30(1)(d) of this 1977 amendatory act, has continuously sought reconciliation with, and the return of, his or her child"

The motion by Senator Francis carried and the pending amendment to the amendment by Senator Pullen was adopted.

The motion by Senator Pullen carried and the amendment, as amended, to the committee amendment was adopted.

Senator McDermott moved the following amendment by Senator Rasmussen to the committee amendment be withdrawn:

On page 34 of the printed Senate committee amendment, beginning on lines 18 and 19 with "~~(or, if~~" delete down to and including "~~13.04 RCW~~")" and insert ", or (3) if after consulting the teacher or other school officials it appears such child be an habitual (~~or incorrigible~~) truant, shall deliver such child into the hands of a juvenile probation officer as provided for in chapter 13.04 RCW for such further action thereon as such officer shall determine under chapter 13.04 RCW"

POINT OF INQUIRY

Senator Hayner: "Mr. President, may I ask a question of Senator McDermott? I guess I had better direct my question to Senator Francis because I believe it was in our judiciary committee that the SPI came in and testified to the fact that they thought it was a grave error to withdraw the truancy provisions from the law with respect to youngsters who habitually fail to attend school. Is that not correct?"

Senator Francis: "I don't recall them saying it was a great error, Senator Hayner. They certainly brought to our attention the fact that this would change some of the procedures regarding truant children."

Further debate ensued.

The motion by Senator McDermott carried and the amendment to the committee amendment was withdrawn on a rising vote.

On motion of Senator Francis, the following amendment to the committee amendment was adopted:

On page 34 of the Senate committee amendment, following line 41, add a section to read as follows:

"Sec. 51. Section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. is amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court: PROVIDED, That custody pursuant to sections 16 through 19, 21 through 27, and 29 through 47 of [E3SHB 371] shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement, of a person

(a) arrested for, charged with or convicted of an offense, or

(b) charged with being or adjudicated to be a (~~(dependent or delinquent child)~~) juvenile offender as defined in (~~(RCW 13.04.010)~~) section 52 of [E3SHB 371] as now or hereafter amended, or

(c) held for extradition or as a material witness, or

(d) otherwise confined pursuant to an order of a court, except an order under sections 23 through 27 and 29 through 47 of [E3SHB 371], or

(e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court."

Renumber the remaining sections consecutively.

On motion of Senator Bottiger, the following amendment to the committee amendment was adopted:

On page 34, following section 50, add a new section to read as follows:

"**NEW SECTION.** Sec. 51. Any child taken into custody or receiving services under sections 16 through 50 of this 1977 amendatory act may not be delivered to or placed with a parent who has not been awarded temporary or permanent custody of such child, pursuant to a child custody order under RCW 26.09, unless such child has been found by the juvenile court to be a dependent child as provided in this 1977 amendatory act."

Remember the remaining sections consecutively.

Senator Francis moved the following amendment to the committee amendment by Senator Rasmussen not be adopted:

On page 35 of the printed Senate committee amendment, on line 44 delete "fifteen" and insert "twelve"

Debate ensued.

The motion by Senator Francis carried and the amendment by Senator Rasmussen to the committee amendment was not adopted.

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 36, line 33 after "require" insert: "." and strike "which may not include partial confinement or confinement." on line 34.

Debate ensued.

The motion by Senator Hayner failed and the amendment to the committee amendment was not adopted on a rising vote.

On motion of Senator Francis, the following amendment by Senator Rasmussen to the committee amendment was not adopted:

On page 36 of the printed Senate committee amendment, on line 36 after "a" and before "facility" insert "secure"

There being no objection, on motion of Senator Francis, the amendment to page 37, line 45 and page 38, line 10 to the committee amendment were withdrawn.

Senator McDermott moved adoption of the following amendment to the committee amendment which is the same amendment previously withdrawn by Senator Francis:

On page 37, section 52(13), line 45, after "be" strike everything beginning with "either" through "section)" on page 38, line 2, and insert "a Class C felony"

Debate ensued.

The motion by Senator McDermott carried and the amendment to the committee amendment was adopted on a rising vote.

On motion of Senator McDermott, the following amendment to the committee amendment was adopted which was previously withdrawn by Senator Francis:

On page 38, line 10, after "more;" add "or who has committed an offense which if committed by an adult would be a Class B felony (except for any felony which is listed in subsections (1)(a), (b) or (c) of this section) and who has no prior criminal history."

On motion of Senator McDermott, the following amendment by Senator Odegaard to the committee amendment was not adopted:

On page 37, line 45, after "either a" strike all the material down through "more" on page 38, line 10, and insert "gross misdemeanor or a misdemeanor and his prior criminal history, if any, does not include any felonies or any series of misdemeanors and/or gross misdemeanors totaling two or more"

There being no objection, on motion of Senator Hayner, the amendment to page 37, section 52 to the committee amendment, was withdrawn.

On page 37, after "means a" on line 42 strike remainder of the section and insert:

"youth whose criminal history contains no more than two misdemeanors or gross misdemeanors."

On motion of Senator McDermott, the following amendment by Senator Rasmussen to the committee amendment was not adopted:

On page 37 of the printed Senate committee amendment, beginning on line 43 with "sixteen" delete down to and including "more" on line 10 of page 38 and insert "who has committed an offense which if committed by an adult would be either a gross misdemeanor or a misdemeanor and whose prior criminal history, if any, does not include any felonies or more than any series of misdemeanors or gross misdemeanors totaling two"

Senator Hayner moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 39, section 53, line 6 after "the" strike "Legislature" and insert: "Senate Judiciary Committee"

On page 39, section 53, line 37 after "to the" strike "Legislature" and insert: "Senate Judiciary Committee"

On page 39, section 53, line 40 after "The" strike "Legislature" and insert: "Senate Judiciary Committee"

On page 39, section 53, line 42 after "the" strike "Legislature" and insert: "Senate Judiciary Committee"

On page 40, section 53, line 3 after "If the" strike "Legislature" and insert: "Senate Judiciary Committee"

On page 40, section 53, line 6 after "to the" strike "Legislature" and insert: "Senate Judiciary Committee"

On page 40, section 53, line 16 after "the" strike "Legislature" and insert: "Senate Judiciary Committee"

On motion of Senator Marsh, the following amendment to the amendments by Senator Hayner to the committee amendment was adopted:

On the Hayner amendments to: page 39, line 6, line 37, line 40, line 42; page 40, line 3, line 6, and line 16, after "Senate" insert "and House" and add "s" to "Committee".

The motion by Senator Hayner failed and the amendments, as amended, to the committee amendment were not adopted on a rising vote.

On motion of Senator Francis, the following amendment by Senator Rasmussen to the committee amendment was not adopted:

On page 42 of the printed Senate committee amendment, on line 16 delete "posting bond set by" and insert "order of"

Senator Lewis moved adoption of the following amendment by Senator Hayner to the committee amendment:

On page 42, section 55, line 36 after "(b)" strike all material through "act." on line 41 and insert:

"The youth shall be informed he has a right to a detention hearing. The court shall hold a detention hearing if one is requested."

Debate ensued.

The motion by Senator Lewis failed and the amendment by Senator Hayner to the committee amendment was not adopted.

On motion of Senator Francis, the following amendment by Senator Rasmussen to the committee amendment was not adopted:

On page 42 of the printed Senate committee amendment, on line 37 beginning with "within" delete down to and including "filing" on line 38 and insert "as soon as possible, upon the request of the child or the child's parents or counsel, anytime after the filing of"

On motion of Senator Clarke, the following amendments by Senator Rasmussen to the committee amendments were not adopted:

On page 44 of the printed Senate committee amendment, on line 24 delete "shall" and insert "may"

On page 44 of the printed Senate committee amendment, on line 41 delete "shall" and insert "may"

On motion of Senator Clarke, the following amendments to the committee amendments were considered and adopted simultaneously:

On page 44, line 39, after "(3)" strike all the matter down through "youth" on line 41 and insert "Where a case is legally sufficient"

On page 45, line 18, after "prosecution" insert ": PROVIDED, That if the prosecutor elects not to file a charge for which there is probably cause, he shall maintain a record, for one year, of such election and the reasons therefor"

On motion of Senator Marsh, the following amendments by Senator Marsh to the committee amendment were considered and adopted simultaneously:

On page 45 of the committee amendment, after line 18, add a new subsection (4) to read as follows:

"(4) If it appears that there is probable cause to believe that an offense has been committed by a youth, the prosecutor may file an information with the juvenile court if the alleged offender is an alleged offender accused of a class C felony."

On page 45, line 30, after "(3)" insert "or (4)"

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 46, line 15, after "agreement" strike "shall be limited to" and insert "may include"

Debate ensued.

POINT OF INQUIRY

Senator Gould: "Mr. President, would Senator Francis yield to a question? Senator Francis, would you say then, in defeating this bill that we would preclude the use of drug prevention programs and the other—in cases of these particular children?"

Senator Francis: "First, I think your question, when you said 'in defeating this bill,' you meant 'in defeating this amendment.' If we defeat this amendment we are limiting the diversion contracts to the things set forth here. The kinds of things including the period of community service, the restitution, are all that you could do, so that if you wanted to send somebody to, say, a live-in drug rehab program you would not be able to do it through this kind of diversion thing.

"On the other hand, Senator Gould, a live-in drug program would constitute confinement within the definition and so we go, you know. We are back to the fact that we are not talking about this category of offenders at all. But I would say, yes, if we defeat this we are saying that for these people who are having their initial contacts we are not going to be sending them to such as a live-in drug program, and we would not be allowed to do so."

Further debate ensued.

The motion by Senator Hayner carried and the amendment to the committee amendment was adopted.

On motion of Senator Francis, the following amendments by Senator Rasmussen to the committee amendment were not adopted:

On page 46 of the printed Senate committee amendment, on line 15 after "shall" and before "be" insert "include but not"

On page 46 of the printed Senate committee amendment, on line 35 after "terms;" delete "and"

On page 46 of the printed Senate committee amendment, on line 45 after "months" and before the period insert "; and"

(c) The diversion unit may impose such other conditions on an individual basis as will best fit the needs of the divertee and promote accountability"

On motion of Senator Marsh, the following amendment to the committee amendment was adopted:

On page 46 of the committee amendment, line 35, after "terms;" strike "and" and on line 46, after "months" and before the period insert "; and

(c) an informational, educational or counseling interview may be required at a community agency"

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 47, line 19 after "hearing," strike all material through line 6 on page 48 and insert: "concerning the alleged breach of the diversion agreement."

Debate ensued.

The motion by Senator Hayner failed and the amendment to the committee amendment was not adopted.

Senator Hayner moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 49, line 33 after "Washington" strike "in juvenile court matters except felonies"

On page 49, line 36, after "hearing," insert "where the facts are contested"

Debate ensued.

The motion by Senator Hayner failed and the amendments to the committee amendment were not adopted.

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

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 37, by Representatives Hurley (Margaret), Paris, North, Lee and Gaines:

Establishing a campsite reservation system in state parks.

Referred to Committee on Parks and Recreation.

MOTION

At 6:00 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, June 7, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 7, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Matson, Walgren and Woody. On motion of Senator Jones, Senator Matson was excused. On motion of Senator Odegaard, Senators Fleming, Matson and Woody were excused.

The Color Guard, consisting of Pages Ken Fisher and Kathleen Boutiette, presented the Colors. Reverend Robert M. Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"GRACIOUS HEAVENLY FATHER, AGAIN GRANT EACH OF US STRENGTH TO MEET THIS DAY CREATIVELY AND POSITIVELY. BLESS OUR EFFORTS AND KEEP US FAITHFUL TO OUR TASK. IN CHRIST'S NAME. AMEN."

MOTION

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

REPORT OF CONFERENCE COMMITTEE

June 6, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 656, as amended by the Senate, mandating certain public agencies make surplus books, equipment, etc., available at depreciated cost to private schools, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike the Senate amendment and adopt the following substitute amendment:

On page 1, line 11, after "shall" strike all the material down to and including "HOWEVER," on line 14 and insert ", prior to other disposal thereof, serve notice in writing to any private school in Washington state annually requesting such a notice, that the same is available for sale to private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED,"

Signed by: Senators Grant, Keefe and Murray; Representatives O'Brien, Heck and Whiteside.

MOTION

On motion of Senator Grant, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 656.

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 6, 1977.

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

I have the honor to advise that on June 6, 1977, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2132: Raising the salary of PUD commissioners.

SENATE BILL NO. 2159: Permitting a counterclaim for malicious prosecution in the principal action.

SENATE BILL NO. 2202: Regulating funds and properties managed by the department of natural resources.

SUBSTITUTE SENATE BILL NO. 2811: Providing for disposal of moneys in associated student body program fund, including moneys received by students for private purposes.

SENATE BILL NO. 3002: Providing for the creation and management of a scenic river system.

SENATE BILL NO. 2199: Making more specific the degree of alcoholism which prevents a person from getting a driver's license.

SUBSTITUTE SENATE BILL NO. 2210: Regulating prearrangement funeral service contracts.

SUBSTITUTE SENATE BILL NO. 2858: Changing the law on solid waste.

SENATE BILL NO. 2990: Exempting from the gambling laws antique slot machines if not used for gambling purposes.

SUBSTITUTE SENATE BILL NO. 3093: Establishing procedures for the construction of state ferries.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

June 6, 1977.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 619, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 6, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 384, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has failed to pass ENGROSSED SUBSTITUTE SENATE BILL NO. 2405.

DEAN R. FOSTER, Chief Clerk.

June 6, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 285, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 6, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 508, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 6, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 1213, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 6, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 225, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 6, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 195, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 6, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2121, with the following amendments:

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. It is the intent of this legislation to improve executive management and control of state publications and reduce state expenditures through: (1) Elimination of reports and publications which are economically or otherwise unjustified; and (2) the simplification and consolidation of other reports and publications.

NEW SECTION. Sec. 2. The terms defined in this section shall have the meanings indicated when used in this chapter.

(1) "Director" means the director of the office of program planning and fiscal management.

(2) "State agency" includes every state office, department, division, bureau, board, commission, committee, higher education institution, community college, and agency of the state and all subordinate subdivisions of such agencies in the executive branch financed in whole or in part from funds held in the state treasury, but does not include the offices of executive officials elected on a state-wide basis, agricultural commodity commissions, the legislature, the judiciary, or agencies of the legislative or judicial branches of state government.

(3) (a) "State publication" means publications of state agencies and shall include any annual and biennial reports, any special report required by law, state

agency newsletters, periodicals and magazines, and other printed informational material intended for general dissemination to the public or to the legislature.

(b) "State publication" may include such other state agency printed informational material as the director may prescribe by rule or regulation, in the interest of economy and efficiency, after consultation with the governor, the state librarian, and any state agencies affected.

(c) "State publication" does not include:

(i) Business forms, preliminary draft reports, working papers, or copies of testimony and related exhibit material prepared solely for purposes of a presentation to a committee of the state legislature;

(ii) Typewritten correspondence and interoffice memoranda, and staff memoranda and similar material prepared exclusively as testimony or exhibits in any proceeding in the courts of this state, the United States, or before any administrative entity;

(iii) Any notices of intention to adopt rules under RCW 34.04.025(1)(a) as now existing or hereafter amended;

(iv) Publications relating to a multistate program financed by more than one state or by federal funds or private subscriptions; or

(v) News releases sent exclusively to the news media.

(4) "Print" includes all forms of reproducing multiple copies with the exception of typewritten correspondence and interoffice memoranda.

NEW SECTION. Sec. 3. (1) Any annual, biennial, or special report required to be made by any state officer, board, agency, department, commissioner, regents, trustees, or institution to the governor or to the legislature may be typewritten and a copy shall be filed with the governor, or the governor's designee, and the legislature as the law may require. An additional copy shall be filed with the state library as a public record.

(2) The director or the director's designee may selectively review state publications in order to determine if specific state publications are economically and effectively contributing to the accomplishment of state agency program objectives. The director or the director's designee shall provide general guidelines as to the number of copies to be printed for use or distribution by the issuing agency and any public or other distribution under chapter 40.06 RCW as now or hereafter amended, or other applicable directives.

(3) No agency head shall recommend a state publication for printing and distribution, other than those required by law, unless the benefits from the publication and distribution thereof to the citizens and taxpayers of this state clearly exceed the costs of preparation, printing, and distribution.

(4) The director, after consultation with affected agencies, shall prepare and publish guidelines for use by state agencies in determining and evaluating the benefits and costs of current and proposed state publications. All state agencies shall evaluate each new state publication they propose and shall annually evaluate each continuing state publication they produce in accordance with the guidelines published by the director.

(5) The director shall, after consultation with affected state agencies, also provide by general rules and regulations for overall control of the quality of the printing of state publications. Necessary publications are to be prepared and printed in the most economic manner consistent with effectiveness and achievement of program objectives.

NEW SECTION. Sec. 4. (1) The governor or the governor's designee shall take such other action as may be necessary to maximize the economy, efficiency, and effectiveness of state publications and to do so may eliminate, consolidate, or simplify state agency publications.

(2) Nothing in this chapter shall be construed in any way as restricting public access to public records or the public right to copy such records as provided by RCW 42.17.250 through 42.17.340 as now existing or hereafter amended.

NEW SECTION. Sec. 5. Neither the public printer nor any state agency shall print or authorize for printing any state publication that has been determined by the director to be inconsistent with section 3 of this 1977 amendatory act except to the extent this requirement may conflict with the laws of the United States or any rules or regulations lawfully promulgated under those laws. A copy of any state publication printed without the approval of the director under the exceptions authorized in this section shall be filed with the director with a letter of transmittal citing the federal statute, rule, or regulation requiring the publication. The director shall submit a report of such exceptions, as filed, to the legislative budget committee at least annually.

NEW SECTION. Sec. 6. Each state agency shall at least once each biennium notify the addressees of each state publication in or with that publication that they may be removed from the mailing list by notifying the originating agency. Mailings required by a state or federal statute, rule, or regulation, those maintained by an institution of higher education for official fund raising or curriculum offerings, bulk mailings addressed to "occupant" or a similar designation, and paid subscriptions are excluded from the provisions of this paragraph.

All publications shall be distributed or mailed at the lowest available rate.

NEW SECTION. Sec. 7. There is added to chapter 27.04 RCW a new section to read as follows:

The state library commission, on recommendation of the state librarian, may provide by rule or regulation for deposit with the state library of up to three copies of any state publication, as defined in RCW 40.06.010 as now existing or hereafter amended, prepared by any state agency whenever fifteen or more copies are prepared for distribution.

Sec. 8. Section 1, chapter 233, Laws of 1963 and RCW 40.06.010 are each amended to read as follows:

As used in this chapter:

(1) "Print" includes all forms of (~~printing and duplicating, regardless of format or purpose~~) reproducing multiple copies, with the exception of typewritten correspondence and interoffice memoranda.

(2) (~~"Public document" means the annual and biennial reports required by law or by the governor which are bound in sets and titled Washington public documents.~~

(3)) "State agency" includes every state office, officer, department, division, bureau, board, commission and agency of the state, and, where applicable, all subdivisions of each.

(~~(4))~~ (3) "State publication" includes (~~any document, compilation, journal, law, resolution, bluebook, statute, code, register, pamphlet, list, book, proceedings, minutes, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine~~) annual, biennial, and special reports, state periodicals and magazines, books, pamphlets, leaflets, and all other materials, other than news releases sent exclusively to the news media, typewritten correspondence and interoffice memoranda, issued in print by the state, the legislature, constitutional officers, or any state department, committee, or other state agency supported wholly or in part by state funds.

Sec. 9. Section 2, chapter 233, Laws of 1963 and RCW 40.06.020 are each amended to read as follows:

There is hereby created a division of the state library, and under the direction of the state librarian, a state publications distribution center. The center shall (~~promote the establishment of an orderly~~) utilize the depository library system to permit citizens economical and convenient access to state publications. To this end

the state library commission shall make such rules and regulations as may be deemed necessary to carry out the provisions of this chapter.

Sec. 10. Section 3, chapter 233, Laws of 1963 and RCW 40.06.030 are each amended to read as follows:

(1) Every state agency (~~(may upon release)~~) shall promptly deposit ~~((at least three))~~ copies of each of its state publications with the state library ~~((for record and depository purposes. Additional copies,))~~ in quantities as certified ~~((to the agencies))~~ by the state ~~((library and))~~ librarian as required to meet the needs of the depository library system ~~((; shall also be deposited))~~. Upon consent of the issuing state agency such state publications as are printed by the public printer shall be delivered directly to the center.

(2) In the interest of economy and efficiency, the state librarian may specifically or by general rule exempt a given state publication or class of publications from the requirements of this section in full or in part.

Sec. 11. Section 4, chapter 233, Laws of 1963 and RCW 40.06.040 are each amended to read as follows:

To provide economical public access to state publications, the center ((shall)) may enter into depository contracts with any ((municipal or county)) free public library, any state college or state university library, or, if needed, the library of any privately incorporated college or university in this state((, the library of congress and the midwest inter-library center, and other libraries)). The requirements for eligibility to contract as a depository library shall be established by the state library commission upon recommendations of the state librarian. The standards shall include and take into consideration the type of library, available housing and space for the publications, the number and qualifications of personnel, and availability for public use. The center may also contract with public, out-of-state libraries for the exchange of state and other publications on a reciprocal basis. Any state publication to be distributed to the public and the legislature shall be mailed at the lowest available postal rate.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 150, Laws of 1941 and RCW 40.04.010;
- (2) Section 2, chapter 150, Laws of 1941 and RCW 40.04.020; and
- (3) Section 43.01.030, chapter 8, Laws of 1965 and RCW 43.01.030.

NEW SECTION. Sec. 13. Sections 1 through 6 of this 1977 amendatory act shall constitute a new chapter in Title 40 RCW."

In the title, page 1, beginning on line 6, after "RCW;" strike "adding a new section to chapter 40.04 RCW;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Scott, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2121, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odogaard, Peterson, Pullen, Rasmussen, Ridder,

Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—43.

Voting nay: Senator Goltz—1.

Excused: Senators Fleming, Matson, Walgren, Woody—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2121, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2516, with the following amendments:

On page 3, line 6, after "register" strike "without charge" and insert "((without charge))"

On page 3, line 10, after "year." insert "The registration fee shall be set by the Department of Agriculture in compliance with 34.04 RCW."

On page 7, line 26, after "43.03.060" insert "PROVIDED, HOWEVER, That the board shall be compensated only if apiarists are charged a sufficient fee to cover the expenses of the apiary board"

On page 8, after line 11, add a new section as follows:

NEW SECTION. Sec. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2516 to page 7, line 26 and page 8, after line 11, adding a new section and refused to concur in the amendments to page 3, lines 6 and 10, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2430, with the following amendment:

On page 7, line 35, after "affected." insert:

In the event the provisions in Sec. 4 requiring approval by both the voters of a central city and the county voters residing outside of the central city are held to be invalid, then such provisions shall be severable and the ballot proposition on the transfer of the metropolitan municipal corporation to the county shall be decided by the majority vote of the voters voting thereon in a county-wide election., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Grant, the Senate concurred in the House amendment to Substitute Senate Bill No. 2430.

MOTION

On motion of Senator Jones, Senator Morrison was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2430, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Lewis, Mardesich, Marsh, McDermott, Monohon, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Washington, Wojahn—32.

Voting nay: Senators Bluechel, Buffington, Clarke, Herr, Jones, Keefe, Murray, Pullen, von Reichbauer, Wanamaker, Wilson—11.

Excused: Senators Fleming, Matson, Morrison, Walgren, Woody—5.

SUBSTITUTE SENATE BILL NO. 2430, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has passed **SECOND SUBSTITUTE SENATE BILL NO. 3067**, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature finds that a need exists to adequately inform the public on the conduct of the people's business by state government, and that providing adequate notice of the affairs of government enables the public to actively participate in the conduct of state government. The legislature further finds that the promulgation of rules by state agencies has a direct effect on the ability of the people to conduct their personal affairs and knowledgeably deal with state government. It is therefore the intent and purpose of sections 2 and 12 of this 1977 amendatory act and of this chapter to require the publication of a state register by which the public will be adequately informed of the activities of government and where they may actively participate in the conduct of state government and influence the decision making process of the people's business.

NEW SECTION. Sec. 2. There is added to chapter 1.08 RCW a new section to read as follows:

The statute law committee, in addition to the other responsibilities enumerated in this chapter, shall cause to be published the Washington State Register as created in section 3 of this 1977 amendatory act. The statute law committee and/or the code reviser may adopt such rules as are necessary for the effective operation of such service.

NEW SECTION. Sec. 3. There is hereby created a state publication to be called the Washington State Register, which shall be published on a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rule, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof shall take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010; and

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification.

NEW SECTION. Sec. 4. All material included in the register pursuant to section 3 of this 1977 amendatory act shall be prepared by the appropriate agency or official and transmitted to the code reviser in accordance with rules adopted by the code reviser prescribing the style, format, and numbering system therefor, the date of receipt for inclusion within a particular register, and such other requirements as may be necessary for the orderly and efficient publication of the register and the Washington Administrative Code.

NEW SECTION. Sec. 5. The publication of any information in the Washington State Register shall be deemed to be official notice of such information, and publication in the register of such information and materials shall be certified to be the true and correct copy of such rules or other information as filed in the code reviser's office. The code reviser shall certify, to any court of record, the publication of any notice or information, and attached to such certification shall be the agency's declaration of compliance with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and this chapter.

NEW SECTION. Sec. 6. For the purposes of the state register and this chapter, an institution of higher education, as defined in RCW 28B.19.020(1), shall be considered to be a state agency.

Sec. 7. Section 3, chapter 237, Laws of 1967 as amended by section 17, chapter 250, Laws of 1971 ex. sess. and RCW 34.04.025 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule, each agency shall:

(a) ~~((Give at least twenty days notice of its intended action by filing the))~~ File notice thereof with the code reviser((; mailing the)) in accordance with section 3(1) of this 1977 amendatory act for publication in the state register, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings((; and giving public notice as provided in chapter 42.30 RCW, as now or hereafter amended)). Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon((:));

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(2) No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(3) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of section 3(1) of this 1977 amendatory act, of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

Sec. 8. Section 3, chapter 234, Laws of 1959 and RCW 34.04.030 are each amended to read as follows:

(1) If the agency finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the agency may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The agency's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency rule or amendment as filed with the office of the code reviser under RCW 34.04.040. An emergency rule or amendment shall not remain in effect for longer than ninety days after filing. This section does not relieve any agency from compliance with any law requiring that its rules be approved by designated persons or bodies before they become effective.

(2) The emergency rule published in the register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon its filing with the code reviser in accordance with RCW 34.04.040(2).

Sec. 9. Section 5, chapter 234, Laws of 1959 and RCW 34.04.050 are each amended to read as follows:

(1) The code reviser shall, as soon as practicable after the effective date of this chapter, compile and index all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised as often as necessary and at least once every two years.

(2) The code reviser shall publish a monthly (~~((bulletin))~~) register in which he shall set forth the text of all rules filed during the preceding month excluding rules in effect upon the adoption of this chapter.

(3) The code reviser may, in his discretion, omit from the (~~((bulletin))~~) register or the compilation, rules, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if such rules are made available in printed or processed form on application to the adopting agency, and if such (~~((bulletin))~~) register or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

(4) (~~((Bulletins))~~) Registers and compilations shall be made available, in written form to state elected officials (~~((of this state))~~) whose offices are created by Article II or III of the state Constitution or by RCW 48.02.010, upon request ((and)), to county boards of law library trustees, and to the Olympia representatives of the Associated Press and the United Press International without request, free of charge, and to other persons at a price fixed by the code reviser ((to cover publication and mailing costs)).

(5) The board of law library trustees of each county shall keep and maintain a complete and current set of (~~((bulletins))~~) registers and compilations for use and inspection as provided in RCW 27.24.060.

(6) Judicial notice shall be taken of rules filed and published as provided in RCW 34.04.040 and this section.

Sec. 10. Section 3, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.030 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) ~~((Give at least twenty days' notice of its intended action by filing the))~~ File notice thereof with the code reviser ~~((and by mailing))~~ in accordance with section 3 (1) of this 1977 amendatory act for publication in the state register, and mail the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon((-));

(b) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days prior to the date of the rule-making proceeding. The notice shall state the time when, place where, and manner in which interested persons may present their views thereon and the general subject matter to be covered((-);

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An opportunity for oral hearing must be granted if requested by twenty-five persons. The institution shall consider fully all written and oral statements respecting the proposed rule.

(2) No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an institution of higher education giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(3) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 28B.19.040, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of section 3(1) of this 1977 amendatory act, of this section, or of RCW 28B.19.040, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

~~((+))~~ (4) When twenty days notice of intended action to adopt, amend, or repeal a rule has not been filed with the code reviser, as required by subsection ~~((+))~~ (2) of this section, the code reviser shall not publish such rule, and such rule shall not be effective for any purpose.

Sec. 11. Section 4, chapter 57, Laws of 1971 ex. sess. as amended by section 4, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.19.040 are each amended to read as follows:

If the institution of higher education finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and the observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the institution may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The institution's finding and a brief statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser. An emergency rule or amendment shall not remain in effect for longer than ninety days after filing.

Emergency rules shall become effective upon filing with the code reviser unless an effective date is specified in the rule. The emergency rule published in the state register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon such filing.

NEW SECTION. Sec. 12. There is added to chapter 42.30 RCW a new section to read as follows:

State agencies which hold regular meetings shall file with the code reviser a schedule of the time and place of such meetings on or before January 1st of each year for publication in the Washington state register. Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.

For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.

NEW SECTION. Sec. 13. There is hereby appropriated to the statute law committee from the general fund the sum of seventy-three thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 14. Section 1 and sections 3 through 6 of this 1977 amendatory act shall constitute a new chapter in Title 34 RCW.

NEW SECTION. Sec. 15. This 1977 amendatory act may be known as the Washington State Register Act of 1977.

NEW SECTION. Sec. 16. This 1977 amendatory act shall take effect January 1, 1978.

NEW SECTION. Sec. 17. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

In line 11 of the title, after "sections;" insert "making an appropriation;"; and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3067.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3067, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Murray, Newschwander, North, Odgaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—42.

Absent or not voting: Senator Bausch—1.

Excused: Senators Fleming, Matson, Morrison, Walgren, Woody—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3067, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Third Substitute House Bill No. 371.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, by Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie):

Revising the juvenile justice and care system.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 371. On May 31, 1977, the committee amendment was moved for adoption. On June 3, 1977 and June 6, 1977, the Senate considered amendments to the committee amendment.

Senator Rasmussen moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 54 of the printed Senate committee amendment, on line 2 delete "general public and"

On page 54 of the printed Senate committee amendment, on line 6 after "open" and before the period insert "to the press"

Debate ensued.

The motion by Senator Rasmussen failed and the amendments to the committee amendment were not adopted.

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 54, line 31, strike "intelligently"

Debate ensued.

The motion by Senator Hayner failed and the amendment to the committee amendment was not adopted on a rising vote.

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 55, line 2, after "youth" insert "prosecuting attorney"

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

Amend the Hayner amendment to page 55, line 2, as follows:

Strike "youth" and insert "counsel" and before "prosecuting attorney" insert "and the"

The motion by Senator Hayner carried and the amendment, as amended, to the committee amendment, was adopted.

There being no objection, on motion of Senator Rasmussen, the amendment to page 55, line 2 to the committee amendment, was withdrawn.

Senator Goltz moved adoption of the following amendment to the committee amendment:

On page 56, beginning on line 20, insert a new subsection to read as follows:

"(j) The following factors shall not be considered in determining the punishment to be imposed:

(i) The sex of the respondent;

(ii) The race or color of the respondent or the respondent's family;

(iii) The creed or religion of the respondent or the respondent's family;

(iv) The economic or social class of the respondent or the respondent's family;

and

(v) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter;"

Reletter remaining subsections consecutively.

POINT OF INQUIRY

Senator Pullen: "Would Senator Goltz yield to a question? Senator Goltz, in your item number 3 there, would you define 'creed' for me?"

Senator Goltz: "Well, I believe it is any formalized set of beliefs which collectively are identifiable as a creed."

Senator Pullen: "Suppose a person's creed is that he feels that he is victimized by society and society owes him a living and that he should go out and rob society in order to take revenge for the way in which he has been victimized? Now, that would be a creed, and yet under your amendment 'creed' would not be considered in determining the punishment."

Senator Goltz: "I was going to say that that is maybe a creed, by his account, but it seems to me that we do have a body of law which indicates what a constitutional definition of a creed of religion is, and I would put 'creed' in the same category as religion in this particular context."

The motion by Senator Goltz carried and the amendment to the committee amendment was adopted.

On motion of Senator Hayner, a series of amendments to the committee amendment will be considered at a later time.

Senator Pullen moved adoption of the following amendment to the committee amendment:

On page 56, strike all of lines 29 through 40.

Debate ensued.

The motion by Senator Pullen failed and the amendment to the committee amendment was not adopted on a rising vote.

MOTION

Senator Beck moved that Engrossed Third Substitute House Bill No. 371 be returned to the Judiciary Committee.

Debate ensued.

POINT OF INQUIRY

Senator Beck: "Would Senator Buffington yield to a question. Senator Buffington, I hate to get in an argument on the eve of your wedding here, but I would just like to pose a question to you. This bill came over here from the House to us as a sixty-four page bill. I don't know whether you are trained in all this legal terminology or not. I'm not. You and Senator Woody and your subcommittee took this sixty-four page bill, or this forty-three page bill, and you struck almost everything out of the thing, and started all over with a new sixty-six page bill. Now the thing that is in front of us is a sixty-six page bill that we have had at least one hundred and fifty amendments here on the floor of this Senate, a lot of them which have carried. Now do you know the condition that this bill is in right now? Can you conscientiously vote for 'yes' on this bill and say it is going to accomplish what you and your subcommittee worked on?"

Senator Buffington: "Yes."

Senator Beck: "Well, I am glad you do, because I can't."

The motion by Senator Beck failed on a rising vote.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 371 and amendments to the committee amendment.

Senator Marsh moved adoption of the following amendment to the committee amendment:

On page 58 of the committee amendment, following line 28 and subsection (5), add a new subsection (6) to read as follows:

"(6) Notwithstanding any provision of this section, the juvenile court may designate the facility in which a youth is to serve a sentence of confinement or partial confinement when such facility is not an institution. The court may consider the

medical, educational, employment, personal, social, psychological, and family needs of the child in determining a youth's placement under this subsection."

Debate ensued.

The motion by Senator Marsh failed and the amendment to the committee amendment was not adopted.

On motion of Senator Pullen, the following amendment to the committee amendment was adopted:

On page 58, line 29, add a new section as follows:

"**NEW SECTION.** Sec. 70. The fingerprints and photograph may be taken of any serious offender."

Renumber remaining sections accordingly.

MOTION

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

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1184.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1184, by Committee on Appropriations (originally sponsored by Representatives Martinis, Moreau, Kilbury, Smith, Boldt, Owen, Vrooman, Grier, Adams, Burns, Schmitten, Taller, Wilson, Zimmerman, Haley, Grengo, Lux, Fortson, Walk, Knedlik, Becker, Berentson, Chandler and Grimm) (by Governor Ray request):

Authorizing salmon enhancement facilities bonds.

REPORT OF STANDING COMMITTEE

May 17, 1977.

SUBSTITUTE HOUSE BILL NO. 1184, authorizing salmon enhancement facilities bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18, after "sum of" strike "thirty-three million" and insert "thirty-one million five hundred thousand"

On page 3, beginning on line 11, strike all of sections 9 and 10 and renumber the remaining sections accordingly.

On page 3, after line 34, insert a new section 11 and renumber the remaining sections accordingly.

"**NEW SECTION.** Sec. 11. The director of the department of fisheries shall report to the legislature on or before January 1 of each year on the revenues received from the sport and commercial salmon license sales and from salmon privilege taxes for the previous fiscal year and estimates of the revenues to be received for the current and ensuing fiscal years.

The report shall also include the estimates of the amounts required from these revenues for the payment of principal and interest on the bonds authorized by this act and proposals for the use of any remaining revenues for salmon enhancement

purposes. The report shall also include a progress report on the current salmon enhancement programs.

The report shall be given to the following standing committees: the house committee on appropriations, the senate committee on ways and means, and the house and senate committees on natural resources."

On page 4, line 3, after "available" strike "to meet the requirements of section 10" and insert "from sport and commercial salmon license sales and from salmon privilege taxes to meet the requirements of section 8."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments to page 1, line 18, page 3, beginning on line 11 and page 3, after line 34 were adopted.

Senator Donohue moved adoption of the committee amendment to page 4, line 3.

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

Amend the committee amendment to page 4, line 3, as follows: After "from salmon" on line 3 of the amendment, strike "privilege" and insert "fees and"

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

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 1184, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1184, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 2.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senators Bausch, Buffington, Sellar—3.

Excused: Senators Morrison, Woody—2.

SUBSTITUTE HOUSE BILL NO. 1184, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jones, Senator Sellar was excused.

SECOND READING

HOUSE BILL NO. 1264, by Representative Shinpoch:

Making changes in the laws relating to the refunding of bonds.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 1264 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1264, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senators Buffington, Matson—2.

Excused: Senators Morrison, Woody—2.

HOUSE BILL NO. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1265, by Committee on Appropriations (originally sponsored by Representative Shinhoch):

Refunding certain limited obligation revenue bonds of the various institutions of higher education with state general obligation bonds.

REPORT OF STANDING COMMITTEE

May 19, 1977.

SUBSTITUTE HOUSE BILL NO. 1265, refunding certain limited obligation revenue bonds of the various institutions of higher education with state general obligation bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

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

NEW SECTION. Section 1. The state finance committee is hereby authorized to issue from time to time on behalf of the state, general obligation bonds of the state in the amount of sixty million dollars, or so much thereof as may be required to refund at or prior to maturity, all or some or any part of the various issues of outstanding limited obligation revenue bonds identified below, issued by various of the institutions of higher education, similarly identified:

(1) University of Washington general tuition fee revenue bonds, all series, aggregating \$28,850,000 in original principal amount;

(2) Washington State University general tuition fee revenue bonds and general tuition fee and scientific fund revenue bonds, all series, aggregating \$19,450,000 in original principal amount;

(3) Western Washington State College general tuition fee and normal school fund revenue bonds, all series, aggregating \$11,620,000 in original principal amount;

(4) Eastern Washington State College general tuition fee and normal school fund revenue bonds, all series, aggregating \$9,501,000 in original principal amount;

(5) Central Washington State College general tuition fee and normal school fund revenue bonds, all series, including refunding series, aggregating \$8,925,000 in original principal amount; and

(6) The Evergreen State College general tuition fee revenue bonds, all series, aggregating \$2,191,125 in original principal amount.

NEW SECTION. Sec. 2. The refunding authorized by this act is to be carried out primarily for the purpose of releasing for other needs of the state and its agencies the reserves presently required under existing covenants and statutes to secure

payment of the various issues of the bonds to be refunded and, as such, is of substantial benefit to the state.

NEW SECTION. Sec. 3. Subject to the specific requirements of sections 1 through 15 of this act, such general obligation refunding bonds shall be issued and the refunding plan carried out in accordance with Article VIII, section 1, of the state Constitution, in accordance with chapter 39.42 RCW as presently in effect, and in accordance with the following sections of chapter 39.53 RCW as presently in effect, where applicable: RCW 39.53.010, 39.53.030, 39.53.060, 39.53.070, 39.53.100, and 39.53.110. The remainder of chapter 39.53 RCW shall not be applicable to the refunding authorized by this act.

In addition to the powers granted to the state finance committee in this subsection, said committee is hereby authorized (1) to determine the times and manner of redemption of the various bonds to be refunded, if any are to be redeemed prior to maturity; (2) to carry out all procedures necessary to accomplish the call for redemption and the subsequent redemption of the bonds to be refunded on behalf of the board of regents or the board of trustees, as the case may be, of each of the institutions which originally issued the bonds to be refunded; and (3) to determine the time, manner, and call premium, if any, for redemption of the refunding issue or issues, if any of the bonds of such issue are to be redeemed prior to maturity.

NEW SECTION. Sec. 4. The amount of general obligation refunding bonds issued shall not exceed 1.05 times the amount which, taking into account amounts to be earned from the investment of the proceeds of such issue or issues, is required to pay the principal of, the interest on, premium of, if any, on the revenue bonds to be refunded with the proceeds of the refunding issue or issues.

Each bond issued pursuant to the provisions of this act shall contain a pledge of the state's full faith and credit to the payment of the principal thereof and the interest thereon and the state's unconditional promise to pay said principal and interest as the same shall become due.

NEW SECTION. Sec. 5. The proceeds of the refunding issue or issues shall be invested and applied to the payment of the principal of, interest on and redemption premium, if any, on the bonds to be refunded, at the times and in the manner determined by the state finance committee consistent with the provisions and intent of this act. Any investment of such proceeds shall be made only in direct general obligations of the United States of America.

Any proceeds in excess of the amounts required to accomplish the refunding, or any such direct obligation of the United States of America acquired with such excess proceeds, shall be used to pay the fees and costs incurred in the refunding and the balance shall be deposited in the institutions of higher education refunding bond retirement fund of 1977.

NEW SECTION. Sec. 6. There is hereby created in the state treasury the institutions of higher education refunding bond retirement fund of 1977, which fund shall be devoted to the payment of principal of, interest on and redemption premium, if any, on the bonds authorized to be issued pursuant to this act.

The state finance committee shall, on or before June 30 of each year, certify to the state treasurer the amount needed in the next succeeding twelve months to pay the installments of principal of and interest on the refunding bonds coming due in such period. The state treasurer shall, not less than thirty days prior to the due date of each installment, withdraw from any general state revenues received in the state treasury an amount equal to the amount certified by the state finance committee as being required to pay such installment; shall deposit such amount in the institutions of higher education refunding bond retirement fund of 1977; and shall apply in a timely manner the funds so deposited to the payment of the installment due on the bonds.

Moneys in the said bond retirement fund may be invested as determined by the state finance committee. Any interest and profits derived from such interim investment shall be deposited into the said bond retirement fund.

NEW SECTION. Sec. 7. The legislature may provide additional means for the payment of the principal of and interest on bonds issued pursuant to this act and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 8. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding University of Washington general tuition fee revenue bonds payable from the University of Washington bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said University of Washington bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.20.720, 28B.20.725, 28B.20.800 or any other statute pertaining to said bonds or any covenant of the University of Washington board of regents pertaining to said bonds;

(2) The board of regents of the University of Washington shall, from moneys thereafter paid into the University of Washington bond retirement fund pursuant to the provisions of chapter 28B.20 RCW, transfer to the state general fund amounts sufficient to pay the principal of and the interest on that portion or series of the refunding bonds necessary to refund the said University of Washington bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.20 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the University of Washington bond retirement fund pursuant to covenants in the said University of Washington bonds.

NEW SECTION. Sec. 9. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Washington State University general tuition fee revenue bonds and general tuition fee and scientific fund revenue bonds payable from the Washington State University bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Washington State University bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.20.720, 28B.30.740, 28B.30.750 or any other statute pertaining to said bonds or any covenant of Washington State University board of regents pertaining to said bonds;

(2) The board of regents of Washington State University shall, from moneys thereafter paid into the Washington State University bond retirement fund pursuant to the provisions of chapter 28B.30 RCW, transfer to the state general fund amounts sufficient to pay the principal of and the interest on that portion or series of the refunding bonds necessary to refund the said Washington State University bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.30 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all

reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Washington State University bond retirement fund pursuant to covenants in the said Washington State University bonds.

NEW SECTION. Sec. 10. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Western Washington State College general tuition fee and normal school fund revenue bonds payable from the Western Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Western Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Western Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all general tuition fees and all normal school fund revenues received by Western Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Western Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Western Washington State College bond retirement fund pursuant to covenants in the said Western Washington State College bonds.

NEW SECTION. Sec. 11. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Eastern Washington State College general tuition fee and normal school fund revenue bonds payable from the Eastern Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Eastern Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Eastern Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all general tuition fees and all normal school fund revenues received by Eastern Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Eastern Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said

transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Eastern Washington State College bond retirement fund pursuant to covenants in the said Eastern Washington State College bonds.

NEW SECTION. Sec. 12. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Central Washington State College general tuition fee and normal school fund revenue bonds payable from the Central Washington State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Central Washington State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of Central Washington State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all general tuition fees and all normal school fund revenues received by Central Washington State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Central Washington State College capital projects account and the board of trustees of said college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Central Washington State College bond retirement fund pursuant to covenants in the said Central Washington State College bonds.

NEW SECTION. Sec. 13. At such time as ample provision has been made for full payment, when due under the terms thereof or upon redemption prior to maturity, of all the principal of and interest on and redemption premium, if applicable, on all the outstanding Evergreen State College general tuition fee revenue bonds payable from the Evergreen State College bond retirement fund, which provision has been made in a refunding plan adopted by the state finance committee pursuant to the terms of this act utilizing a part of the proceeds and the investment proceeds of the refunding bonds issued pursuant to this act, then:

(1) The said Evergreen State College bonds so refunded shall be deemed not to be "outstanding" or "unpaid" for purposes of RCW 28B.40.370, 28B.40.750, or, other than RCW 28B.40.751, any other statute pertaining to said bonds or any covenant of the board of trustees of The Evergreen State College pertaining to said bonds;

(2) Anything to the contrary in chapter 28B.40 RCW notwithstanding, all general tuition fees and all normal school fund revenues received by The Evergreen State College pursuant to RCW 28B.40.751 shall thenceforth be deposited into the Evergreen State College capital projects account and the board of trustees of said

college shall thereafter transfer from said capital projects account to the state general fund, amounts sufficient to pay the principal of and interest on that portion or series of the refunding bonds necessary to refund the said bonds. The state finance committee shall determine all matters pertaining to the said transfer, including the amounts to be transferred and the time and manner of transfer; and

(3) Anything to the contrary contained in chapter 28B.40 RCW notwithstanding, the state treasurer shall immediately transfer to the state general fund all reserves, less any amount required to effect the refunding, which have been accumulated theretofore in the Evergreen State College bond retirement fund pursuant to covenants in the said Evergreen State College bonds.

NEW SECTION. Sec. 14. Any reserves transferred to the state general fund by the state treasurer pursuant to sections 8(3), 9(3), 10(3), 11(3), 12(3), or 13(3) of this act shall be appropriated and expended solely for the maintenance and support of the institutions listed in section 1 of this act.

NEW SECTION. Sec. 15. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances shall not be affected.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott, Washington.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

On motion of Senator Donohue, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 5, after line 11, substitute the following:

"(4) Anything to the contrary contained in RCW 28B.20.725 notwithstanding, the board of regents of the University of Washington is empowered to authorize the transfer from time to time to the University of Washington building account any moneys in the University of Washington bond retirement fund in excess of the amounts determined by the state finance committee to be transferred from such bond retirement fund in accordance with subsection (2) of this section 8."

On page 6, after line 10 substitute the following:

"(4) Anything to the contrary contained in RCW 28B.30.750 notwithstanding, the board of regents of Washington State University is empowered to authorize the transfer from time to time to the Washington State University building account any moneys in the Washington State University bond retirement fund in excess of the amounts determined by the state finance committee to be transferred from such bond retirement fund in accordance with subsection (2) of this section 9."

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

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 1265, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1265, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr,

Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—43.

Absent or not voting: Senators Bottiger, Fleming, Matson, Newschwander—4.

Excused: Senator Woody—1.

SUBSTITUTE HOUSE BILL NO. 1265, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2235, by Senators Day, McDermott and Buffington (by Office of Program Planning and Fiscal Management request):

Authorizing a social and health services facilities bond issue.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2235 was substituted for Senate Bill No. 2235, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2235 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2235, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Absent or not voting: Senators Matson, Newschwander, Pullen—3.

Excused: Senator Woody—1.

SUBSTITUTE SENATE BILL NO. 2235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2242, by Senators Peterson, Newschwander and Odegaard (by Office of Program Planning and Fiscal Management request):

Authorizing a capital projects bond issue for fisheries.

REPORT OF STANDING COMMITTEE

May 17, 1977.

SENATE BILL NO. 2242, authorizing a capital projects bond issue for fisheries (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 12, after "sum of" strike "twenty-eight million eight hundred thousand" and insert "five million"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

The bill was read the second time by sections.

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

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 2242 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2242, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Absent or not voting: Senators Matson, Newschwander—2.

Excused: Senator Woody—1.

ENGROSSED SENATE BILL NO. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 619.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2172,

SUBSTITUTE SENATE BILL NO. 2525,

SUBSTITUTE SENATE BILL NO. 2527,

SENATE BILL NO. 2563,

SUBSTITUTE SENATE BILL NO. 2654,

SENATE BILL NO. 2668.

MOTION

On motion of Senator Jones, Senator Matson was excused.

SECOND READING

SENATE BILL NO. 2274, by Senators Donohue, Matson and Odegaard (by Office of Program Planning and Fiscal Management request):

Authorizing general obligation bonds for institutions of higher education facilities.

MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2274 was substituted for Senate Bill No. 2274, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Before the question is put would it be possible for Senator Donohue to yield to a question? Senator Donohue, I notice in the digest of the bill that it refers to Substitute Senate Bill 3110 as being the capital budget bill which contains certain appropriations. It is my understanding that significant modifications are currently being made to this bill over on the House side, and I wonder what happens if we pass this bill and the capital budget bill is drastically different?"

Senator Donohue: "Senator, this is a normal procedure. I suppose that we could have held these bills on the calendar. Senator Walgren wanted to act on them this afternoon. We could have waited until passage of the capital budget, then we would have had to insert the proper numbers, the proper amount of dollars related to the budget bill, or the capital budget bill, at the time of passage. Now the bill goes over to the House and when the capital budget bill is passed, the House will insert the proper numbers related to that capital budget bill and when bringing them back over here for concurrence."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2274, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Excused: Senators Matson, Woody—2.

SUBSTITUTE SENATE BILL NO. 2274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2277, by Senators Donohue, Odegaard and Matson (by Office of Program Planning and Fiscal Management request):

Authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects.

REPORT OF STANDING COMMITTEE

May 17, 1977.

SENATE BILL NO. 2277, authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, after "sum of" strike "ten million five hundred thousand" and insert "seven million five hundred thousand"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Rasmussen, Ridder, Sandison, Washington.

The bill was read the second time by sections.

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

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 2277 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2277, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—46.

Excused: Senators Matson, Woody—2.

ENGROSSED SENATE BILL NO. 2277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2272, by Senators Donohue, Matson and Odegaard (by Office of Program Planning and Fiscal Management request):

Authorizing bonds for WSU construction.

The bill was read the second time by sections.

On motion of Senator Donohue, the following amendments by Senators Donohue and Odegaard were considered and adopted simultaneously:

On page 2, line 16, after "the" strike "1977"

On page 2, line 32, after "notes" insert "authorized by this act"

On page 2, line 32, after "the" strike "1977"

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2272 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2272, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—47.

Excused: Senator Woody—1.

SUBSTITUTE SENATE BILL NO. 2272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3097, by Senator Benitz:

Relating to vocational education.

MOTIONS

On motion of Senator Donohue, Second Substitute Senate Bill No. 3097 was substituted for Senate Bill No. 3097 and the second substitute bill was placed on second reading and read the second time in full.

Senator Odegaard moved adoption of the following amendment by Senators Odegaard, Scott, Sandison, Goltz, Guess, Benitz, Donohue and Newschwander:

On page 3, following line 4 insert a new section as follows:

"NEW SECTION. Sec. 8. There is hereby established a commission for vocational education comprised of ~~((seven))~~ five members, each of which shall be a voting member. The chairman shall be ~~((a citizen member))~~ chosen by a majority of its members pursuant to its bylaws. ~~((Five citizen))~~ The members shall be appointed by the governor and confirmed by the state senate. ~~((The superintendent of public instruction and the director of the state board for community college education shall serve as the remaining two members.))~~ In making ~~((citizen))~~ member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons well versed regarding vocational and occupational needs of management, labor, and agriculture.

"~~((The initial citizen appointments shall be for periods of one, two, three, four, and five years. Thereafter such citizen m))~~ Members shall serve for terms of five years. No ~~((citizen))~~ member shall be eligible to serve who is also a member of a state or local educational agency, board, council or commission, or who is employed by a common school or institution of higher education.

~~((Four))~~ Three members shall constitute a quorum, and no action shall be taken by less than ~~((four))~~ three affirmative votes."

Remember the remaining sections consecutively.

MOTION

On motion of Senator Grant, Second Substitute Senate Bill No. 3097, together with the pending amendment by Senator Odegaard and others, was ordered held on the second reading calendar for June 8, 1977.

MOTION

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

MESSAGE FROM THE HOUSE

June 6, 1977.

Mr. President: The House has concurred in the Senate amendment to REENGROSSED HOUSE BILL NO. 584, on page 1, line 24; and does not concur in the Senate amendment to page 1, line 21, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

Senator Odegaard moved the Senate do recede from the Senate amendment to page 1, line 21 to Reengrossed House Bill No. 584.

Debate ensued.

Senator Rasmussen moved the Senate do not recede from the Senate amendment to page 1, line 21 and asks the House for a conference thereon.

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Odegaard yield to a question? Senator Odegaard, can you tell me why it is necessary to have this retroactive to 1970?"

Senator Odegaard: "Senator Rasmussen, I believe there are some particular people with particular unique talents that could come under this act if the retroactive date were back to 1970. I don't know all their names or the colleges they come from, but it was told to us in the hearing on this bill that there are some professors that would like to come back and the college or university would like them to come back with their particular talents to work with the students, and with that date it would allow some of them to come back."

Senator Rasmussen: "It is not your intention that there be any retroactive pay?"

Senator Odegaard: "Retroactive pay?"

Senator Rasmussen: "Yes."

Senator Odegaard: "You mean for time they have already put in where they haven't been paid? Is that what you mean? There would be no intention, on my part, or I wouldn't think on the committee's part for any retroactive pay, no. This is for service henceforth."

Further debate ensued.

The motion by Senator Odegaard carried and the Senate recessed from the Senate amendment to page 1, line 21 to Reengrossed House Bill No. 584.

MOTION

On motion of Senator Odegaard, Senator Francis was excused.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed House Bill No. 584, without the Senate amendment to page 1, line 21.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 584, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Fleming, Gaspard, Goltz, Gould, Henry, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—36.

Voting nay: Senators Buffington, Grant, Guess, Hayner, Lewis, Newschwander, Rasmussen, Van Hollebeke—8.

Absent or not voting: Senators Day, Donohue—2.

Excused: Senators Francis, Woody—2.

REENGROSSED HOUSE BILL NO. 584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 2703, by Senator Donohue:
Relating to state government.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2703 was substituted for Senate Bill No. 2703, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, Substitute Senate Bill No. 2703 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Would Senator Rasmussen yield? The digest indicates there is an emergency clause. Has that been struck?"

Senator Rasmussen: "Yes, there is."

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2703 was returned to second reading.

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

On page 2, beginning on line 9, strike all of section 4.

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

On page 1, line 5 of the title before "making" insert "and" and on line 6, strike "and declaring an emergency."

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 2703 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2703, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wojahn—36.

Voting nay: Senators Goltz, Lewis, Monohon, Odegaard, Pullen, Scott, von Reichbauer, Wanamaker, Washington, Wilson—10.

Absent or not voting: Senator Hayner—1.

Excused: Senator Woody—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2179, by Senators Bausch, Rasmussen and Odegaard:

Authorizing certain state employees to receive remuneration for unused sick leave under certain conditions.

MOTIONS

On motion of Senator Bausch, Substitute Senate Bill No. 2179 was substituted for Senate Bill No. 2179, and the substitute bill was placed on second reading and read the second time in full.

Senator Bausch moved the rules be suspended, Substitute Senate Bill No. 2179 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Murray objected to advancing the bill to third reading.

Senator Murray moved that Substitute Senate Bill No. 2179 be referred to the Committee on Ways and Means.

Debate ensued.

MOTION

At 2:45 p.m., on motion of Senator Walgren, the Senate recessed until 3:35 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:35 p.m.

MOTION

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

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1348, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Douthwaite, Knedlik and Taller, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Substitute House Bill No. 1348 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1348 and the Senate amendment thereto: Senators Bottiger, Clarke and Francis.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House does concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 660: page 1, line 16; page 3, beginning on line 21; page 3, line 24; page 3, line 30; page 4, line 10; and does not

concur with the Senate amendments to: page 1, line 3 of the title; page 2, line 32; page 4, line 14; page 5, striking section 17; page 5, beginning on line 3, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Thompson, Shinpoch and Polk, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute House Bill No. 660 and certain Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 660 and certain Senate amendments thereto: Senators Donohue, Clarke and Odegaard.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 2179.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2179 by Committee on State Government (originally sponsored by Senators Bausch, Rasmussen and Odegaard):

Authorizing certain state employees to receive remuneration for unused sick leave under certain conditions.

The Senate resumed consideration of Substitute Senate Bill No. 2179. Earlier today, Senator Bausch had moved that the rules be suspended and the bill be advanced to third reading and final passage. At that time, Senator Murray objected and moved the bill be referred to the Committee on Ways and Means.

Further debate ensued.

MOTION

On motion of Senator Marsh, Senators Donohue, Odegaard and Scott were excused.

Further debate ensued.

Senator Murray demanded a roll call and the demand was sustained by Senators von Reichbauer, North, Jones, Washington, Hayner, Bausch, Newschwander, Guess and Gould.

The President declared the question before the Senate to be the motion by Senator Murray that Substitute Senate Bill No. 2179 be referred to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 18; nays, 25; absent or not voting, 1; excused, 4.

Voting yea: Senators Benitz, Bluechel, Clarke, Gould, Guess, Hayner, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Sellar, Wanamaker—18.

Voting nay: Senators Bausch, Beck, Bottiger, Buffington, Day, Fleming, Francis, Gaspard, Goltz, Grant, Herr, Keefe, Monohon, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—25.

Absent or not voting: Senator Henry—1.

Excused: Senators Donohue, Odegaard, Scott, Woody—4.

Senator Murray moved adoption of the following amendment:

On page 1 after section 1, add a new section as follows:

"NEW SECTION. Sec. 2. Any eligible employee using more than ten days of sick leave for three consecutive years shall be immediately dismissed."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "I wonder if Senator Murray would answer a question? Would you accept an oral amendment that if she got pregnant on the job that she would be exempt from this thing?"

Senator Murray: "No."

Senator Bausch demanded a roll call and the demand was sustained by Senators Pullen, Grant, Wojahn, Murray, Bottiger, Fleming, von Reichbauer, North and Washington.

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

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 4; nays, 38; absent or not voting, 2; excused, 4.

Voting yea: Senators Bluechel, Guess, Matson, Murray—4.

Voting nay: Senators Bausch, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Absent or not voting: Senators Henry, Monohon—2.

Excused: Senators Donohue, Odegaard, Scott, Woody—4.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2179 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2179, and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Henry, Herr, Keefe, Monohon, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn—27.

Voting nay: Senators Benitz, Bluechel, Guess, Hayner, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Sellar, Wanamaker, Wilson—17.

Excused: Senators Donohue, Odegaard, Scott, Woody—4.

SUBSTITUTE SENATE BILL NO. 2179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, the Senate commenced consideration of Engrossed Substitute House Bill No. 743.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, by Committee on Energy and Utilities (originally sponsored by Representatives Smith, Zimmerman, Thompson, Lee, Shinpoch, Haley, McKibbin, Charnley, Becker, Hanna, Taller, Clemente, Chandler, Sherman, North, Charette, Hurley (Margaret), Blair, Douthwaite, Lux, Salatino, Burns, Sommers, Nelson (Dick), Hurley (George), Bauer and Knedlik):

Limiting marine bulk petroleum shipment transfer facilities.

Senators Rasmussen, Day and Sandison demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Donohue, Odegaard, Scott and Woody.

MOTION

On motion of Senator Walgren, the Senate proceeded under the Call of the Senate.

REPORT OF STANDING COMMITTEE

June 2, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, limiting marine bulk petroleum shipment transfer facilities (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6, after "state" and before "present" insert "for the purpose of transshipment of crude oil"

On page 1, line 10, after "spills" and before "in" strike "inherent"

On page 1, line 11, after "state" and before "can" insert "for the purpose of transshipment of crude oil"

On page 1, line 30, after "facility" and before "on" insert "for the purpose of the transshipment of crude oil"

On page 2, line 7, after "facility" and before ":" insert "if such a pipeline is designed to be located entirely within the United States"

On page 2, line 12, after "existing" and before "facilities" insert "receiving or transfer"

On page 2, lines 14-15, strike all of Sec. 3, and renumber the remaining sections consecutively.

Signed by: Senators Bottiger, Chairman; Bausch, Vice Chairman; Gaspard, Hayner, Lewis, Wilson.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendments to page 1, line 6; page 1, line 11 and page 1, line 30.

The motion by Senator Bottiger carried and the three committee amendments were adopted.

On motion of Senator Bottiger, the committee amendment to page 1, line 10 was adopted.

Senator Bottiger moved adoption of the committee amendment to page 2, line 7.

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

Amend the committee amendment to page 2, line 7, as follows: On line 2 of the amendment, before "if such" insert "only"

The motion by Senator Bottiger carried and the committee amendment to page 2, line 7, as amended, was adopted.

On motion of Senator Bottiger, the committee amendments to page 2, line 12 and page 2, lines 14-15 were adopted.

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

On page 1, line 18, after "facilities" insert "used for the purpose of transshipment of crude oil"

On page 1, line 19, add a new paragraph as follows:

"For purposes of this act, the term "transshipment of crude oil" shall mean the transportation of petroleum crude by pipeline from a marine terminal or storage facility designed and operated for the receipt of crude oil transported across marine waters, and the distribution of which is intended primarily for use by processing facilities outside of the state of Washington."

On page 1, line 24, after "facility" insert "for the purpose of the transshipment of crude oil"

Debate ensued.

POINT OF INQUIRY

Senator Washington: "Would Senator Bottiger yield to a question? You used the phrase, 'yo-yo.' If we pass this amendment, it would assist in the 'yo-yo' operation. Would you explain your use of the term 'yo-yo', please?"

Senator Bottiger: "Senator Washington, TransMountain Pipeline has proposed a three step, or three phase proposal. Phase one is to use the existing pipeline on the—and as I describe the pressure coming west as the line was designed, could be a full pressure, and the pressure going east would have to be the minimum pressure tolerable. They would run for seven days coming east with Alberta oil, and seven days to clear the line, and seven days going—I have it backwards. Seven days west with Alberta oil, seven days to clear the line and run what is called a plug or a pick through it, and then seven days going the other way, kind of a perpetual motion thing, but it is different grades of crude. That line is there, that plan is possible.

"Phase two would be to go reconstruct the line so they could go to maximum pressure going either way, and then phase three sometime in the future, which is very nebulous, no commitment, some time in the future if the customers demand, they might build another pipeline, and if economics were proper, through the United States.

"The 'yo-yo' is phase one of their proposal."

POINT OF INQUIRY

Senator Mardesich: "Would Senator Hayner yield? Under the language of the full paragraph and the words 'intended primarily for use', what would be the situation if you had a pipeline of eight hundred thousand or plus barrels capacity and used three hundred and sixty thousand at Cherry Point?"

Senator Hayner: "You are assuming that a new pipeline would be built, is that what you are—?"

Senator Mardesich: "Yes, Ma'am."

Senator Hayner: "I think if you had a new pipeline built at—from Cherry Point, a TransMountain, I don't think there is any intention of their doing that at the present time, Senator Mardesich, but if you did have, I suppose that that would then be covered there."

Senator Mardesich: "Wouldn't that be a necessity if there were a pipeline built at all in view of the language that was adopted by one of the committee amendments requiring a U. S. pipeline?"

Senator Hayner: "Yes, it would have to, they could do that—"

Senator Mardesich: "Then your amendment would, in fact, if the pipeline were large enough, preclude the use of any other facility, or other transshipment spot, I gather. Would that be effective? You had—you used the example of three hundred and sixty local use and one sixty transship, but if you had a capacity of anything over the three sixty which is local, or seven twenty, that is why I used the figure eight hundred, then you would have—"

Senator Hayner: "There is a possibility that they could increase their usage in that area by new facilities, a new refinery, a petrochemical or fertilizer plant or something in that area, but I agree with you. That is true."

Further debate ensued.

POINT OF INQUIRY

Senator Bausch: "Will Senator Lewis yield? In your amendments, especially in number one and number three where you state, 'for the purpose of transshipment of crude oil,' if these amendments did not pass would that in some—have in some effect mandating that those existing refineries that—at Cherry Point, would it somehow be forced to be connected to a pipeline or a transshipment point in Port Angeles? In other words, my fear would be that if, for instance, Port Angeles was never developed, if we pass—we knock these amendments out and then these particular facilities would not—would have been mandated to hook up to the line, and the line goes someplace down in California. Then in the future, those existing refineries would then be bound to hooking up to a transshipment line that does not exist, so if these do not pass, would that have that effect?"

Senator Lewis: "Whether these pass or not, Senator Bausch, there is nothing we have done in the committee or with these amendments that would require anybody at Cherry Point to hook up to a line to get their oil out of Port Angeles or bring it around up and hook onto that line. Nothing, neither way."

Further debate ensued.

Senators Talley, Matson and Bottiger demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendments by Senators Lewis and Hayner.

The motion by Senator Lewis failed and the amendments were not adopted.

Senator Sandison moved adoption of the following amendment:

On page 2, after line 15, insert the following new sections and renumber the remaining sections accordingly:

"NEW SECTION. Sec. 4. To provide for community safety and protection from negative impacts, notwithstanding any provision of law to the contrary any port district in which a new bulk crude oil transfer, storage, and/or pipeline transmission facility is to be located, constructed and operated, shall have the authority to impose a "transfer facility impact fee" on the operations of such transfer facility based upon the quantity of crude oil transferred, stored, or transmitted via pipeline through such facility.

Information from appropriate federal and/or state agencies regarding the amounts of crude oil handled at such facility shall be used in determining the amounts of crude oil handled and upon which such "impact fee" shall be assessed.

The energy facility site evaluation council shall officially notify by registered mail the port district in which such facility is to be located of the permit and certification process, dates for initiation of construction, and date scheduled for operations. Eighteen months prior to the scheduled operational date the port district may impose a "transfer facility impact fee" of two cents per barrel for the first year, one cent per barrel for the second through and including the fifth years, and one-half cent per barrel for the sixth and subsequent years until the transfer fee accrues to the amount of fifty million dollars. During the eighteen month period prior to the beginning of operations, the impact fee shall be based upon the initial designed facility capacity as determined and certified by the energy facility site evaluation council. In the event the energy facility site evaluation council makes no determination on the initial capacity the impact fee shall be based upon a capacity of eight hundred thousand barrels of crude oil per twenty-four hour period for the eighteen month period or until the facility becomes operational.

The impact fee shall be paid on a quarterly basis by the operators of the facility to the treasurer of the port district in the county and port district in which the facility is located and shall be deposited into a fund to be known as the "special impact fund account" of the port district.

The impact fund account and the interest accrued thereto shall be administered and used by the port district to mitigate or assist in mitigating the real and potential impacts of the transfer facility on the affected community and to enhance the total community environment. Within one year from the time the impact fee is imposed, the port district, with the cooperation of appropriate city and county officials, shall conduct and have completed a study which determines the real and potential impacts to the affected community as a result of the location, construction and operation of the facility in such locale. The study shall include an investigation into alternative funding sources to fund what could be considered normal impacts expected from any new facility, but special attention should be given into impacts for which no funding sources exist or funding sources which are inadequate to mitigate the real or potential impacts. The study shall be updated every two years.

After such determination has been made funds from the impact fund account may be expended by the port district, or interest from said account may be used, or bonds may be issued based upon repayment from the account, to defray impact expenses.

The impact funds shall be used for, but not limited to, the following:

(1) The acquisition, maintenance, and operation of facilities and equipment for the necessary clean up of oil spilled on the waters, shorelines or ground areas of the community in which the facility is located, if such spill shall originate from any part or operation of such facility, including costs for the training of personnel and their employment to operate such facilities and/or equipment; and

(2) reimbursement of costs to local governments and medical facilities to have fire, police, and medical personnel, equipment, and facilities prepared to respond to emergency situations which may occur at or as a result of such facility; and

(3) reimbursement of costs to local governments and/or regional authorities for the installation, operation, and maintenance of appropriate devices for the monitoring of air quality within the area affected by such facility; and

(4) payment of expenses incurred by the port district for the training of a maximum of five ship's pilots to familiarize themselves in the handling of the larger, bulk crude oil tankers which will call at such facility and to reimburse expenses of the port district in providing for physical facilities necessary for operation of pilotage services within the special pilotage zone created pursuant to section five of this 1977 act; and

(5) to establish a portion of the impact fund account to be used in the reimbursement to government, citizens, and businesses for damages caused as a result of an oil spill or other catastrophic occurrence at or because of the facility: PROVIDED, That such reimbursement shall only be paid if no other federal, state, local, private insurance or other coverages are available to cover said costs; and

(6) to defray the costs of real and potential impacts resulting from the facility as determined by a study by the port district.

NEW SECTION. Sec. 5. There is added to chapter 88.16 RCW a new section to read as follows:

A port district in which there is located a new crude oil transfer facility shall contract with duly licensed Washington State pilots who have received training in the handling of larger, bulk cargo carriers, such training to be defined and approved by the Washington board of pilotage commissioners, for pilotage with a special "pilotage safety zone".

Such "pilotage safety zone" shall exist automatically within a twenty-five mile radius of such facility and all oil tankers calling at such facility shall be required to employ those Washington licensed pilots who are under contract with the port district to provide pilotage services.

The board shall provide a special tariff rule, pursuant to chapter 34.04 RCW, for the compensation of pilots contracting to provide pilotage services to vessels calling at such facility within the special "pilotage safety zone".

The port district which contracts with trained pilots shall provide all necessary physical facilities and equipment necessary for the transfer of pilots to and from oil tankers calling at the facility, and other facilities as required to provide a competent and efficient operation of pilotage service within the zone. The port district shall also provide for and conduct the billing-payment services for said pilots pursuant to the special tariff adopted by the board."

Debate ensued.

The motion by Senator Sandison failed and the amendment was not adopted on a rising vote.

Senator Bausch moved adoption of the following amendments:

On page 1, line 18, after "facilities" insert "used for the purpose of transshipment of crude oil"

On page 1, line 24, after "facility" insert "for the purpose of the transshipment of crude oil"

POINT OF ORDER

Senator Bottiger: "Mr. President, reluctantly I raise a point of order. The Lewis and Hayner amendments which, with the consent of the Senate—no objection was raised, were considered as one. Senator Bausch is now offering two of the three paragraphs. They were combined into the single vote, and I believe that that is out of order."

RULING BY THE PRESIDENT

President Cherberg: "Senator Bottiger, the President believes that inasmuch as the Senate did not have the opportunity to vote on the three amendments proposed by Senator Hayner and Senator Lewis, that they should have the privilege of voting on the amendments proposed by Senator Bausch."

The amendments were ruled in order.

Further debate ensued.

The motion by Senator Bausch failed and the amendments were not adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 743, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bausch: "Would Senator Bottiger yield? Senator Bottiger, I am very pleased with the bill, and I have long felt that Port Angeles is an excellent place to put the transshipment point which I feel we have definitely an obligation to do, but reading the bill I have a little bit of a problem with one thing in here. Several places in the bill it talks about—it refers to locations 'at or west of Port Angeles' and I would like to know if this means that the whole transshipment facility must be at or west of Port Angeles."

Senator Bottiger: "Senator Bausch, this question came up, and no, it is not the intent of the bill to require the whole facility to be at or west of Port Angeles, but only the receiving and transfer facility. Thus, the pipeline, the pump stations, the tank farms, can begin in the vicinity of Port Angeles and extend eastward, and we would leave that up to the Clallam county commissioners and the pipeline company to negotiate the best deal for Clallam county."

POINT OF INQUIRY

Senator Guess: "Will Senator Bottiger yield? Senator Bottiger, the—some of the information that took place when we heard the report of the oceanographic commission in December had to do—testimony by some of the refinery owners up there, had to do with the securing of oil for the three refineries that are not built to take the Alaskan crude. Is there anything in this bill that will prevent them from receiving oil in a hundred and twenty-five thousand dead weight ton ships after the facility is installed?"

Senator Bottiger: "Senator Guess, if I can slightly rephrase your question, does anything in this bill prohibit our existing six refineries from receiving their crude by tanker? The answer to that is 'no.'"

Senator Guess: "Will you state the size of the tanker?"

Senator Bottiger: "The size of the tanker by present law cannot cross the demarcation line in excess of a hundred and twenty-five thousand dead weight tons. There are other restrictions on existing refineries being their own draft of water that would prohibit a hundred and twenty-five thousand ton tanker, say, in going to Texaco. They would have to go through the Corps of Army Engineers, all of that process. This bill does not affect that."

Further debate ensued..

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 743, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Herr, Keefe, Lewis, Matson, McDermott, Monohon, Morrison, Murray, North, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn—29.

Voting nay: Senators Beck, Buffington, Day, Donohue, Guess, Henry, Jones, Mardesich, Marsh, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Talley, Walgren, Wanamaker—18.

Excused: Senator Woody—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 743, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 743, as amended by the Senate, was ordered immediately transmitted to the House.

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on May 27, 1977 a motion for reconsideration by Senator McDermott was held for a later time on the failure of the following bill to pass the Senate:

SUBSTITUTE HOUSE BILL NO. 1277, by Committee on Education (originally sponsored by Representatives McKibbin, Clemente, Barnes, Bauer, Dunlap, Erickson, Shipoch and Haley) (by Governor Ray request):

Providing for a Washington State commission on educational structure and management.

The motion by Senator McDermott carried and the Senate moved to reconsider the vote by which Substitute House Bill No. 1277, as amended by the Senate, failed to pass the Senate on May 27, 1977.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1277, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 28; nays, 19; excused, 1.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Henry, Herr, Jones, Keefe, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, Walgren, Washington, Wojahn—28.

Voting nay: Senators Benitz, Buffington, Clarke, Gould, Grant, Guess, Hayner, Lewis, Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, von Reichbauer, Wanamaker, Wilson—19.

Excused: Senator Woody—1.

SUBSTITUTE HOUSE BILL NO. 1277, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Marsh, the Senate returned to the sixth order of business.

On motion of Senator Marsh, the Senate resumed consideration of Engrossed Third Substitute House Bill No. 371.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, by Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie):

Revising the juvenile justice and care system.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 371. Earlier today, amendments to the committee amendment were adopted.

MOTIONS

On motion of Senator Walgren, Senators Benitz and Pullen were excused.

On motion of Senator Francis, the following amendment to the committee amendment was adopted:

On page 59 of the committee amendment, line 37, after "restitution" insert "or fine"

Senator Hayner moved adoption of the following amendment to the committee amendment:

On page 60, line 8, after "violator." strike the balance of the section.

Debate ensued.

The motion of Senator Hayner carried and the amendment to the committee amendment was adopted.

Senator Marsh moved adoption of the following amendment to the committee amendment:

On page 61 of the committee amendment, line 42, after "court." and before "appeal" on line 43 strike "No written briefs shall be required and the" and insert "The"

The motion by Senator Marsh failed and the amendment to the committee amendment was not adopted on a rising vote.

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

On page 37, line 37 after "offense;" strike all material through "chapter;" on line 41. Renumber remaining paragraphs.

On page 56, line 26 after "court" strike "shall" and insert: "may"

On page 56, line 42 after "court" strike "shall" and insert: "may"

On page 57, line 2 after "disposition." strike all material through "act." on line 12

On page 57, line 26 after "court" strike "shall" and insert: "may"

On page 57, line 35 after "range" insert a period and strike all material through line 10 on page 58

On page 58, line 11 strike all of subsection 5

On page 61, line 35 after "contempt." strike all material through "appeal." on line 40 on page 62. Renumber following paragraphs.

Debate ensued.

Senator North moved the question be divided and that the amendment to page 61, line 35 to the committee amendment be considered separately.

Debate ensued.

There being no objection, on motion of Senator North, the motion was withdrawn.

Senator Rasmussen demanded a roll call and the demand was not sustained.

The motion by Senator Hayner failed and the amendments to the committee amendment were not adopted on a rising vote.

MOTIONS

On motion of Senator Marsh, Senator Day was excused.

On motion of Senator Rasmussen, the Senate dispensed with the Call of the Senate.

There being no objection, on motion of Senator Donohue the amendment to page 63 deleting section 74 to the committee amendment was withdrawn.

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 63 of the printed Senate Committee Amendment, on line 19 delete "separately from" and insert "under the direction of"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator McDermott yield to a question? Senator McDermott, isn't it entirely possible that these diversionary units that you are talking about, that you are going to contract with, can be and will be in some instances the present juvenile departments and the agencies they are already working with?"

Senator McDermott: "It is my understanding, Senator Rasmussen, that the concept as it has been developed over the last several years has been to set up community review boards of juvenile offenses for particular categories, the least offenders, and it has not been up to this point, in any part of the state involved directly inside the court. The reason was that they felt that the local community, in part the Seattle—like the Fremont Ballard area. They got local citizens to spend their time working on reviewing cases and making what they felt to be appropriate restitution contracts with these children. At no place in the state as far as I know, is this presently operated inside the court system, and I think that the idea of getting the community involved was the main thing, was getting people involved with their own kids.

"One of the problems that is happening in this country is that people have lost touch with the community. Nobody figures that the kid who is out breaking windows is anybody's responsibility, so the concept of getting the public involved and making them an active decision-making part of it with a real responsibility for these first offenders has been developed, and I don't know any place in the state where the court has been involved."

Senator Rasmussen: "Well then, my other question would be, Senator McDermott, who is going to handle the accounting and the direction of the funds? Ordinarily now, all funds including recoveries on all kinds of settlements are handled by the county clerk, who is clerk of the court. This would only put them in charge of the administering of the funds, and 'under the direction of the court' means by the county clerk. You have to have somebody to keep track of it, somebody to be responsible for it, and this is assuring that you will have the local court be responsible for that phase."

Senator McDermott: "Senator Rasmussen, if I understand your question—do you want to answer it, Senator Francis? My understanding is that when you write a contract you assume responsibility when you take the contract to be responsible for the funds and the proper disposition of them, and to me, that is all the assurance that the county needs that if they give the money to one of these local organizations, they are going to have their money—they know that they are subject to an audit. They know all these sorts of safeguards are there, but I think if you make them

involved, not only with making decisions, but also handling the money, you make them more responsible. You keep them involved."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President and members of the Senate, just one other comment. We are only talking about the funding under section 74 also. In other words, if the county wants to set up some other diversion units that are directly supervised by the court, that is all right, but what we are talking about here is the truly community based type diversion units that would be supervised and operated separately from the court, and so by leaving section 74 intact, you are not precluding the court from having other options. It is just that that is what we are funding here in this section."

Further debate ensued.

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

NOTICE OF INVOKING RULE 48

Senator Mardesich: "While there is this brief pause, I should like to serve notice that I wish to invoke Rule 48 with respect to Engrossed Substitute House Bill 743."

REMARKS BY THE PRESIDENT

President Cherberg: "Notice has been received from Senator Mardesich."

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

On page 63 of the printed Senate Committee Amendment, on line 19 beginning with ": PROVIDED" delete down to and including "court" on line 25.

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Francis, will you submit to a question? You are assuming then that 'resources' means manpower and not money?"

Senator Francis: "Senator Hayner, I am not assuming. I think that 'resources' would refer to any aspect of the ability to handle this away from and separate from the court. It might mean manpower; it might mean skills; it might mean money; it might mean physical facilities. It might mean something else that we haven't considered here."

The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted.

On motion of Senator Francis, the following amendment by Senator Woody to the committee amendment was not adopted:

On page 65 of the committee amendment, line 2, after "Sec. 78." and before "necessary" on line 3, strike "Section 53 of this 1977 amendatory act is" and insert "Sections 29 and 53 of this 1977 amendatory act are"

The Senate resumed consideration of an amendment by Senator Mardesich beginning on page 2, line 35 to the committee amendment on which a point of order had been raised on June 3, 1977 by Senator Gould.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Gould, the President finds that Substitute House Bill 371 is a measure which reforms the state's juvenile justice system.

"The amendment proposed by Senator Mardesich provides for educational clinics and authorizes state aid for the students enrolled therein.

"The President therefore finds that the amendment expands the scope and object of the bill, and the point of order is well taken."

The amendment by Senator Mardesich to the committee amendment was ruled out of order.

On motion of Senator Mardesich, the amendment to page 65, line 2 to the committee amendment was withdrawn.

On motion of Senator Francis, the following amendment by Senators Pullen and Day to the committee amendment was not adopted:

On page 10, line 40 after "." insert a new section as follows:

"NEW SECTION. Sec. 17. The Legislature finds that the family unit is an indispensable thread of the fabric of American life which nurtures the worth of the individual as it teaches him or her to function as part of society. Toward the continuance of this principle, the Legislature declares that the family should remain intact in the absence of compelling evidence to the contrary."

Renumber remaining sections accordingly.

Senator Gaspard moved adoption of the following amendment by Senators Gaspard, Bottiger, Hayner and Wojahn to the committee amendment:

On page 63, section 74, line 43 after "offenses." insert a new section as follows:

"NEW SECTION. Sec. 75. The state shall provide financial assistance to the counties to enable the counties to meet all increased costs, if any, to the counties resulting from their implementation and administration of the provisions of this 1977 amendatory act."

Renumber remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Odgaard: "Mr. President, would Senator Gaspard yield? Senator Gaspard, would your amendment include the state providing for funding also for the local detention facilities that would be required under section 7 of the bill?"

Senator Gaspard: "Mr. President, members of the body, the purpose of my amendment is to go with any increased costs that the counties are now—over and above what they are providing for in juvenile detention, if that is the case."

Further debate ensued.

The motion by Senator Gaspard failed and the amendment to the committee amendment was not adopted on a rising vote.

The President declared the question before the Senate to be adoption of the committee amendment, as amended.

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

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Third Substitute House Bill No. 371, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Francis, Engrossed Third Substitute House Bill No. 371, as amended by the Senate, was ordered held on the third reading calendar for June 8, 1977.

MOTION

On motion of Senator Clarke, the Secretary of the Senate was ordered to furnish engrossed copies of Engrossed Third Substitute House Bill No. 371, as amended by the Senate, to each member for consideration on June 8, 1977.

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

MESSAGE FROM THE HOUSE

June 7, 1977.

MR. PRESIDENT: The House has passed:
 SUBSTITUTE SENATE BILL NO. 2544,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3044,
 SENATE BILL NO. 3068, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2121,
 SUBSTITUTE SENATE BILL NO. 2430,
 SECOND SUBSTITUTE SENATE BILL NO. 3067.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2544,
 SUBSTITUTE SENATE BILL NO. 3044.

MOTION

On motion of Senator Marsh, the Senate returned to the second order of business.

REPORT OF CONFERENCE COMMITTEE

June 4, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred Engrossed House Bill No. 1133, authorizing certain golfing sweepstakes under gambling act, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the following Senate Committee Amendment as amended be adopted, with the following additional amendments:

On page 14, subsection (6), line 15, strike all material beginning on line 15 through line 4, page 15, and renumber following subsections consecutively.

On page 16, line 32, strike all of subsection (9).

On page 21, subsection (15), line 31, after "organizations" strike "or card rooms"

On page 34, line 24, strike all of section 18. Renumber remaining section accordingly.

On page 1, strike everything after the enacting clause and insert the following: "Section 1. Section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.020 are each amended to read as follows:

(1) "Amusement game" means a game played for entertainment in which:

(a) The contestant actively participates;

(b) The outcome depends in a material degree upon the skill of the contestant;

(c) Only merchandise prizes are awarded;

(d) The outcome is not in the control of the operator;

(e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and

(f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence,

famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

~~((6))~~ (7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

~~((7))~~ (8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

~~((8))~~ (9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection ~~((13))~~ (14) of this section shall not constitute gambling.

~~((9))~~ (10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of

winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

((+0)) (11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

((+1)) (12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

((+2)) (13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

((+3)) (14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state

retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet; or

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(15) "Member". As used in this chapter, member means a member of an organization eligible to be licensed by the commission under this chapter, or a member of an organization which is an auxiliary of such an eligible organization, or a member of an organization of which the eligible organization is an auxiliary, or a member of an organization which is affiliated with the eligible organization by being with it auxiliary to another organization.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

~~((+4))~~ (16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "book-making" as defined in this section is not a "player".

~~((+5))~~ (17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection ~~((+3))~~ (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the

creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

((+6)) (18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as-of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

((+7)) (19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or non-profit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

((+8)) (20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg"; which constitutes gambling and contains each of the following characteristics:

- (a) There are two or more participants and each of them are players; and
- (b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and
- (c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and
- (d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing: PROVIDED, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the commission pursuant to RCW 9.46.070; and
- (e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

((+9)) (21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise,

directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

~~((20))~~ (22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any three consecutive days and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than one calendar day by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed five thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and (d) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Sec. 2. Section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by only members and guests (~~only~~) to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended: PROVIDED, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together does not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association, or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to "win", "place" or "show" and those holding tickets on the three winners may receive a pay-off similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the score of such participants, and those participants attaining such stated number of

points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(7) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(8) (a) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(18)(a), (b), (c), and (d); and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED, That this subparagraph (ii) shall not preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

(9) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a trade stimulus a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money and which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted

monetary prize: PROVIDED, That any and all sums collected by the establishment from the sale of the tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to the benefit of the establishment.

The penalties provided for professional gambling in this chapter shall not apply to sports pools as described in ~~((this))~~ subsection (7) of this section, the wagering described in subsection (8) of this section, social card games, bingo games, raffles, fund raising events, punch boards, pull-tabs, ~~((or))~~ amusement games, or to the use of facilities of a bona fide charitable or nonprofit organization for social card games or dice games, when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 3. Section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games~~((f.))~~, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

(7) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(8) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(9) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character, and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(10) To regulate and establish the type and scope of and manner of conducting ((social card games permitted to be played, and)) the gambling activities authorized by RCW 9.46.030, including but not limited to, the extent of wager, money, or other

thing of value which may be wagered or contributed or won by a player in (~~a social card game~~) any such activities;

(11) To regulate and establish a reasonable admission fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become a player in a social card game. A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter;

(12) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

(15) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations or card rooms and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments.

In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(16) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(17) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; (~~and~~)

(18) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter; and

(~~(16)~~) (19) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 4. Section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.080 are each amended to read as follows:

The (~~department of motor vehicles, subject to the approval of the~~) commission(~~;~~) shall employ a full time (~~employee as~~) director (~~respecting gambling activities~~), who shall be the administrator for the commission in carrying out its powers and duties and who(~~, with the advice and approval of the commission~~) shall issue rules and regulations adopted by the commission governing the activities authorized hereunder and shall supervise (~~departmental~~) commission employees in carrying out the purposes and provisions of this chapter. In addition, the (~~department~~) director shall (~~furnish~~) employ two assistant directors, together with such investigators and enforcement officers and (~~with~~) such (~~of its administrative services and~~) staff as (~~are~~) the commission determines is necessary to carry out the purposes and provisions of this chapter. The director, both assistant directors, and personnel occupying positions requiring the performing of undercover investigative work shall be exempt from the provisions of chapter 41.06 RCW, as now law or hereafter amended. Neither the director nor any (~~departmental~~) commission employee working therefor shall be an officer or manager of any bona fide charitable or bona fide nonprofit organization, or of any organization which conducts gambling activity in this state.

The director, subject to the approval of the commission, is authorized to enter into agreements on behalf of the commission for mutual assistance and services, based upon actual costs, with any state or federal agency or with any city, town, or county, and such state or local agency is authorized to enter into such an agreement with the commission. If a needed service is not available from another agency of state government within a reasonable time, the director may obtain that service from private industry.

Sec. 5. Section 10, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.100 are each amended to read as follows:

There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and (~~such employees of the department of motor vehicles as are working therefor;~~) other commission employees shall be paid from the gambling revolving fund.

Sec. 6. Section 1, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.115 are each amended to read as follows:

(1) In addition to any other fees and taxes imposed by this chapter, or by commission rule, there is hereby imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him a coin-operated gaming device which is subject to the federal tax on coin-operated devices imposed by section 4461 of the Internal Revenue Code (79 Stat. 148; 26 U.S.C. Sec. 4461), as amended and in effect on March 11, 1976 and any subsequent amendments thereto. The amount of such tax shall be equal to eighty percent of the

amount of the tax required to be paid to the federal government pursuant to section 4461 of the Internal Revenue Code (79 Stat. 148; 26 U.S.C. Sec. 4461), as amended and in effect on March 11, 1976 and any subsequent amendments thereto: **PROVIDED**, That such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the Internal Revenue Code (85 Stat. 534, 26 U.S.C. Sec. 4464), as amended and in effect on March 11, 1976 and any subsequent amendments thereto.

This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the Internal Revenue Code (79 Stat. 149; 26 U.S.C. Sec. 4462), as amended and in effect on March 11, 1976 and any amendments thereto.

(2) The tax established in subsection (1) of this section shall be payable to the commission on or before June 20 of each year in advance of the following fiscal year, July 1 through June 30, pursuant to rules and regulations adopted by the commission. Payment of any tax due shall be a condition precedent to the issuance or renewal of any license of any nature by the commission to the taxpayer. The tax shall apply to each such device so maintained or permitted at any time during the year and no such device shall be placed out for public play unless and until the tax due respecting it has first been paid: **PROVIDED**, That a replacement for such a device removed from play shall not be deemed an additional device for that year. Proceeds from the tax shall be deposited in the gambling revolving fund and used by the commission for its expenses of administering this chapter.

~~The commission shall ((issue a stamp showing that the tax has been paid which shall be affixed to the coin-operated gaming device prior to being placed out for public play)) adopt rules setting out the procedure for collection of the tax and for the administration of this section.~~

(3) The tax imposed by subsection (1) of this section shall be in addition to any tax imposed upon such coin-operated gaming devices, or the income therefrom, by any municipal corporation or political subdivision of the state.

(4) Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 7. Section 14, chapter 218, Laws of 1973 1st ex. sess. as amended by section 8, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.140 are each amended to read as follows:

~~((For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may)) (1) The commission or its authorized representative may:~~

~~(a) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder; and~~

~~(b) Inspect the books, documents, and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with the provisions of this chapter or the rules and regulations adopted pursuant thereto. ((The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105.))~~

~~(2) For the purpose of any investigation or proceeding under this chapter, the commission or any officer designated by rule may conduct hearings, administer oaths or affirmations, or upon the commission's or officer's motion or upon request of any party may subpoena witnesses, compel attendance, take depositions, take evidence, or require the production of any matter which is relevant to the investigation or proceeding, including but not limited to the existence, description, nature, custody,~~

condition, or location of any books, documents, or other tangible things, or the identity or location of persons having knowledge or relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

(3) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

(4) The commission may appoint hearing officers to conduct hearings respecting the suspension, revocation, or denial of licenses, who may administer oaths, admit or deny admission of evidence, compel the attendance of witnesses, issue subpoenas, issue orders, and exercise all other powers and perform all other functions set out in RCW 34.04.090 (6) and (8), 34.04.100 and 34.04.105. The salaries and expenses of such hearing officers may be paid from any revenues available to the commission.

(5) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 8. Section 18, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.180 are each amended to read as follows:

Any person who knowingly causes, aids, abets, or conspires with another to cause any (~~association or organization~~) person to violate any provision of this chapter (~~or of any rule or regulation adopted pursuant to this chapter~~) shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or a fine of not more than one hundred thousand dollars, or both.

NEW SECTION. Sec. 9. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

Sec. 10. Section 19, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.190 are each amended to read as follows:

Any person or association or organization operating any gambling activity (~~authorized under RCW 9.46.030~~) who or which, directly or indirectly, shall in the course of such operation:

(1) Employ any device, scheme, or artifice to defraud; or

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

NEW SECTION. Sec. 11. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Every city or town is authorized to enact as an ordinance of that city or town any or all of the sections of this chapter the violation of which constitutes a misdemeanor or gross misdemeanor. The city or town may not modify the language of any section of this chapter in enacting such section except as necessary to put the section in the proper form of an ordinance or to provide for a sentence to be served in the appropriate detention facility. The ordinance must provide for the same maximum penalty for its violation as may be imposed under the section in this chapter.

NEW SECTION. Sec. 12. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

District courts operating under the provisions of chapters 3.30 through 3.74 RCW, except municipal departments of such courts operating under chapter 3.46 RCW and municipal courts operating under chapter 3.50 RCW, shall have concurrent jurisdiction with the superior court to hear, try, and determine misdemeanor and gross misdemeanor violations of this chapter and violations of any ordinance passed under authority of this chapter by any city or town.

Municipal courts operating under chapters 35.20 or 3.50 RCW and municipal departments of the district court operating under chapter 3.46 RCW, shall have concurrent jurisdiction with the superior court to hear, try, and determine violations of any ordinance passed under authority of this chapter by the city or town in which the court is located.

Notwithstanding any other provision of law, each of these courts shall have the jurisdiction and power to impose up to the maximum penalties provided for the violation of the ordinances adopted under the authority of this chapter. Review of the judgments of these courts shall be as provided in other criminal actions.

NEW SECTION. Sec. 13. There is added to chapter 218; Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No person participating in a gambling activity shall in the course of such participation, directly or indirectly:

(1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;

(2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;

(3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or

(4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

NEW SECTION. Sec. 14. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any person who works as an employee or agent or in a similar capacity for another person in connection with the operation of an activity for which a license is required under this chapter or by commission rule without having obtained the applicable license required by the commission under section 3(16) of this 1977 amendatory act shall be guilty of a gross misdemeanor and shall, upon conviction, be punished by not more than one year in the county jail or a fine of not more than five thousand dollars, or both.

Sec. 15. Section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of ~~((and))~~ all peace officers ~~((or))~~, law enforcement officers ~~((or))~~, and law enforcement agencies within this state ~~((are hereby empowered))~~ to investigate, ~~((and))~~ enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

~~((2))~~ (3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors (~~(assigned by the department of motor vehicles to the commission)~~) shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

Sec. 16. Section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.230 are each amended to read as follows:

(1) All gambling devices as defined in RCW ~~((9.46.020(9)))~~ 9.46.020(10) are common nuisances and shall be subject to seizure, immediately upon detection by any peace officer, and to confiscation and destruction by order of a superior or district justice court, except when in the possession of officers enforcing this chapter.

(2) No property right in any gambling device as defined in RCW ~~((9.46.020(9)))~~ 9.46.020(10) shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(3) All furnishings, fixtures, equipment, and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting, or safekeeping, used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by the owner, shall be forfeited to the state or political subdivision by which seized by order of a court having jurisdiction, for disposition by public auction or as otherwise provided by law. Bona fide liens against property so forfeited, on good cause shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Forfeit moneys and other proceeds realized from the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political subdivision or other public agency, if

any, whose officers made the seizure, except as otherwise provided by law. This subsection shall not apply to such items utilized in activities enumerated in RCW 9.46.030, as now or hereafter amended ((or)), when the items are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((thereof)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs, or transports any gambling device as defined in RCW 9.46.020 as now or hereafter amended or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: **PROVIDED, HOWEVER,** That this subsection shall not apply to devices used in those activities enumerated in RCW 9.46.030, as now or hereafter amended, ((or)) when the devices are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((thereof)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores, or transports any gambling record, or buys, sells, offers, or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor: **PROVIDED, HOWEVER,** That this subsection shall not apply to records relating to and kept for activities enumerated in RCW 9.46.030, as now or hereafter amended ((or)), when the records are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance ((thereof)) of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

NEW SECTION. Sec. 17. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

All applications for licenses made to the commission, with the exception of any portions of the applications describing the arrest or conviction record of any person, and all reports required by the commission to be filed by its licensees on a periodic basis concerning the operation of the licensed activity or concerning any organization, association, or business in connection with which a licensed activity is operated, in the commission files, shall be open to public inspection at the commission's offices upon a prior written request of the commission. The staff of the commission may decline to allow an inspection until such time as the inspection will not unduly interfere with the other duties of the staff. The commission may charge the person making a request for an inspection an amount necessary to offset the costs to the commission of providing the inspection and copies of any requested documents.

NEW SECTION. Sec. 18. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

(1) For purposes of a prosecution under RCW 9.46.230(4) or a seizure, confiscation, or destruction order under RCW 9.46.230(1), it shall be a defense that the gambling device involved is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or defendant's possession. No slot machine, having been seized under this chapter, may be altered, destroyed, or disposed of without affording the owner thereof an opportunity to

present a defense under this section. If the defense is applicable, the antique slot machine shall be returned to the owner or defendant, as the court may direct.

(2) RCW 9.46.230(2) shall have no application to any antique slot machine that has not been operated for gambling purposes while in the owner's possession.

(3) For the purposes of this section, a slot machine shall be conclusively presumed to be an antique slot machine if it was manufactured prior to January 1, 1941. Nothing in this subsection shall prevent a person from establishing that a slot machine manufactured on or after January 1, 1941, is an antique slot machine.

NEW SECTION. Sec. 19. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "gambling;" strike the remainder of the title and insert "amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.070; amending section 8, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.080; amending section 10, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.100; amending section 1, chapter 87, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.115; amending section 14, chapter 218, Laws of 1973 1st ex. sess. as amended by section 8, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.140; amending section 18, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.180; amending section 19, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.190; amending section 21, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.210; amending section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.230; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; prescribing penalties; and declaring an emergency."

Signed by: Senators Van Hollebeke, Morrison and Bausch, Representatives Warnke, Conner and Fancher.

MOTION

On motion of Senator Van Hollebeke, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed House Bill No. 1133.

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 2445 and has passed the bill as amended, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 4, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred Substitute Senate Bill No. 2445, as amended by the House, regulating automotive repairs have had the

same under consideration, and we recommend that the House amendment on page 1, line 2 of the title, and the House amendment on page 3, following section 8, not be adopted; and we further recommend that the remaining House amendments be adopted.

Signed by: Senators Van Hollebeke and Wojahn; Representatives Salatino and Walk.

MOTION

On motion of Senator Van Hollebeke, the report of the Conference Committee on Substitute Senate Bill No. 2445 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2445, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; nays, 4; absent or not voting, 15; excused, 3.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Donohue, Fleming, Francis, Goltz, Guess, Hayner, Henry, Herr, Jones, Mardesich, Marsh, McDermott, Monohon, Morrison, North, Odegaard, Sandison, Talley, Walgren, Washington, Wojahn—26.

Voting nay: Senators Matson, Rasmussen, Van Hollebeke, von Reichbauer—4.

Absent or not voting: Senators Benitz, Buffington, Gaspard, Gould, Grant, Keefe, Lewis, Murray, Newschwander, Peterson, Ridder, Scott, Sellar, Wanamaker, Wilson—15.

Excused: Senators Day, Pullen, Woody—3.

SUBSTITUTE SENATE BILL NO. 2445, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:35 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, June 8, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, June 8, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Beck, Fleming, Herr, Mardesich, McDermott, Peterson, Sellar, Wilson and Woody. On motion of Senator Jones, Senator Sellar was excused. On motion of Senator Odegaard, Senators Beck, Fleming, Herr, Mardesich, McDermott, Wilson and Woody were excused.

The Color Guard, consisting of Pages Traci Kenderesi and Lincoln May, presented the Colors. Reverend Robert M. Keller, pastor of The Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"LOVING HEAVENLY FATHER, BLESS THE WORKS OF OUR MINDS AND HANDS THIS DAY THAT EACH OF US MAY KNOW PEACE AND FULFILLMENT. GUIDE US AND KEEP US NOW AND ALWAYS, FOR WE PRAY IN JESUS' NAME. AMEN."

MOTION

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

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The Speaker announces that Representative Zimmerman will replace Representative Pardini on the Free Conference Committee on ENGROSSED SENATE BILL NO. 2282.

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

REPORT OF CONFERENCE COMMITTEE

June 8, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, revising the provisions of the law of compensating victims of crimes, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

AN ACT Relating to victims of crimes; amending section 1, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.010; amending section 2, chapter 122, Laws of 1973 1st ex. sess. as amended by section 1, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.020; amending section 5, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.050; amending section 6, chapter 122, Laws of 1973 1st ex. sess. as amended by section 2, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.060; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.070; amending section 9, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.075; amending section 11,

chapter 122, Laws of 1973 1st ex. sess. as amended by section 5, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.110; adding new sections to chapter 7.68 RCW; repealing section 4, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.040; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68-.010 are each amended to read as follows:

It is the intent of the Legislature of the state of Washington to provide a method of compensating and assisting (~~((those residents of the state who are))~~) innocent victims of criminal acts (~~((and))~~) who suffer bodily injury or death as a consequence thereof. To that end, it is the intention of the legislature to make certain of the benefits and services which are now or hereafter available to injured workmen under Title 51 RCW also available to innocent victims of crimes as defined and provided for in this chapter.

Sec. 2. Section 2, chapter 122, Laws of 1973 1st ex. sess. as amended by section 1, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

(1) "Department" means the department of labor and industries:

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state: **PROVIDED**, That the operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act as defined in this section: **PROVIDED FURTHER**: (a) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution shall be admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter shall be admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct shall be deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a (~~((resident of the state))~~) person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" shall be interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW as now or hereafter amended.

(4) "Child", "accredited school", "dependent", "beneficiary", "average monthly wage", "director", "injury", "invalid", "permanent partial disability", and "permanent total disability" shall have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) "Gainfully employed" means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

~~((6) "Resident", for the purpose of eligibility for benefits under this chapter, means a person who has been in this state for thirty days or has clearly signified an intent to remain in this state for at least thirty days.))~~

Sec. 3. Section 5, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.050 are each amended to read as follows:

No right of action at law (~~((against a person who has committed a criminal act,))~~) for damages incurred as a consequence of ((such)) a criminal act shall be lost as a consequence of ((receiving)) being entitled to benefits under the provisions of this chapter. In the event any person ((receiving)) entitled to benefits under this chapter additionally seeks a remedy for damages ((from the person or persons who have committed the criminal act resulting in damages)) incurred as a consequence of a criminal act, then and in that event the department shall be subrogated to the rights of such person ((to,)) and have a lien upon any recovery so made to the extent of the ((payments made)) benefits paid or payable by the department to or on behalf of such person under this chapter. If the recovery involved is against the state, the lien of the department shall include the interest on the benefits paid by the department to or on behalf of such person under this chapter computed at the rate of eight percent per annum from the date of payment.

Sec. 4. Section 6, chapter 122, Laws of 1973 1st ex. sess. as amended by section 2, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.060 are each amended to read as follows:

For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

(1) An application for benefits is not received by the department within one ((hundred eighty days)) year from the date of the criminal act or ((one hundred twenty days year after the date of death of the victim, or)) the date the rights of dependents or beneficiaries accrued, ((if such is the case,)) or

(2) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

Sec. 5. Section 7, chapter 122, Laws of 1973 1st ex. sess. as amended by section 3, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, ((51.32.070)) 51.32.072, 51.32.073, 51.32.180, 51.32.190 and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter when the injury for which benefits are sought was:

(a) The result of consent, provocation or incitement by the victim;

(b) The result of an act or acts committed by a person living in the same household with the victim.

(c) The result of an act or acts committed by a person who is at the time of the criminal act the spouse, child, parent, or sibling of the victim by the half or whole blood, adoption or marriage, or the parent of the spouse of or sibling of the spouse of the victim by the half or whole blood, adoption, or marriage, or the son-in-law or

daughter-in-law of the victim, unless in the director's sole discretion it is determined that:

(i) The parties to the marriage which establishes the relationship between the person committing the criminal act and the victim described above are estranged and living apart, and

(ii) The interests of justice require otherwise in the particular case;

(d) The result of the victim assisting, attempting, or committing a criminal act;
or

(e) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That in the event the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses as provided in RCW 51.32.050 as now or hereafter amended and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits shall be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That in the event a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, such victim shall receive monthly during the period of such disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of such average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of such average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of such average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of such average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of such average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of such average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of such average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of such average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of such average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of such average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of such average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of such average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That no person shall be eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended shall apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160 and 51.32.210 as now or hereafter amended shall be applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person shall be entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

Sec. 6. Section 9, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.075 are each amended to read as follows:

Notwithstanding the provisions of any of the sections, as now or hereafter amended, of Title 51 RCW which are made applicable to this chapter, the marital status of all victims shall be deemed to be fixed as of the date of the criminal act. All references to the child or children living or conceived of the victim in this chapter shall be deemed to refer to such child or children as of the date of the criminal act unless the context clearly incitates the contrary.

Payments for or on account of any such child or children shall cease when such child is no longer a "child" as defined in RCW ((51.32.005)) 51.08.030, as now or hereafter amended, or on the death of any such child whichever occurs first.

Payments to the victim or surviving spouse for or on account of any such child or children shall be made only when the victim or surviving spouse has legal custody of any such child or children. Where the victim or surviving spouse does not have such legal custody any payments for or on account of any such child or children shall be made to the person having legal custody of such child or children and the amount of payments shall be subtracted from the payments which would have been due the victim or surviving spouse had legal custody not been transferred to another person.

Sec. 7. Section 11, chapter 122, Laws of 1973 1st ex. sess. as amended by section 5, chapter 176, Laws of 1975 1st ex. sess. and RCW 7.68.110 are each amended to read as follows:

The provisions contained in chapter 51.52 RCW as now or hereafter amended relating to appeals shall govern appeals under this chapter: **PROVIDED**, That no provision contained in chapter 51.52 RCW concerning employers as parties to any settlement, appeal, or other action shall apply to this chapter: **PROVIDED FURTHER**, That appeals taken from a decision of the board of industrial insurance appeals under this chapter shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.04.130 and 34.04.140 as now or hereafter amended, and the department shall have the same right of review from a decision of the board of industrial insurance appeals as does the claimant.

NEW SECTION. Sec. 8. There is added to chapter 7.68 RCW a new section to read as follows:

Each law enforcement agency to which a criminal act has been reported in which criminal act results in physical injury or death to a victim shall make a reasonable effort to inform the known victim or his surviving dependent(s) of the existence of this chapter and the procedure for making application for benefits provided by this chapter: **PROVIDED**, That the failure to so act will not stay the operation of RCW 7.68.060.

NEW SECTION. Sec. 9. There is added to chapter 7.68 RCW a new section to read as follows:

(1) Whenever any person is found guilty in any court of competent jurisdiction of having committed an act prohibited under the provisions of Title 9A RCW as now or hereafter amended, which act involved a victim and is punishable as a felony or gross misdemeanor, there shall be imposed by the court upon such convicted person a penalty assessment in the amount of twenty-five dollars or ten percent or any other penalty or fine, whichever is greater, which penalty assessment shall be in addition to any other penalty or fine imposed by law.

(2) Whenever any person accused of having committed a criminal act prohibited under the provisions of Title 9A RCW as now or hereafter amended, which act involved a victim and is punishable as a felony or gross misdemeanor, posts bail pursuant to the provisions of chapter 10.19 RCW, and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment of twenty-five dollars, in addition to any other penalty or fine imposed by law.

(3) Notwithstanding any other provision of law, such penalty assessments shall be paid by the clerk of the court to the city or county treasurer, as the case may be, who shall monthly transmit such penalty assessments to the state treasurer. The state treasurer shall deposit such assessments in an account within the state general fund to be known as the crime victims compensation account, hereby created, and all moneys derived from such assessments shall be used exclusively for the administration of this chapter.

NEW SECTION. Sec. 10. Section 4, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.040 are each repealed.

NEW SECTION. Sec. 11. There is added to chapter 7.68 RCW a new section to read as follows:

(1) If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances, is not affected.

(2) Subsection (1) of this section shall be effective retroactively to July 1, 1974.

Signed by: Senators Francis and Bottiger; Representatives (Rick) Smith, Newhouse and Knedlik.

MOTION

On motion of Senator Francis, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 353.

MESSAGES FROM THE HOUSE

June 7, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1142, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1153 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 880 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 643 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 355 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTED HOUSE BILL NO. 393 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTED HOUSE BILL NO. 348 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 301 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1232 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 68 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2143 and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 2, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2143, as amended by the House, providing for additional superior court judges in Spokane, Pierce, Kitsap, Benton-Franklin, Cowlitz and San Juan-Island judicial districts have had the same under consideration, and we report that we cannot agree and request powers of Free Conference in order to recommend the following: That all House amendments be stricken and the following amendments be substituted and adopted:

Striking everything after the enacting clause and insert the following:

"Section 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King (~~twenty-nine~~) thirty-four judges of the superior court; in the county of Spokane (~~eight~~) nine judges of the superior court;

in the county of Pierce (~~ten~~) eleven judges of the superior court: PROVIDED, That the additional office herein created for the county of Pierce shall be effective January 1, 1978.

Sec. 2. Section 4, chapter 125, Laws of 1951 as last amended by section 1, chapter 79, Laws of 1975-'76 2nd ex. sess. and RCW 2.08.062 are each amended to read as follows:

There shall be in the county of Chelan one judge of the superior court; in the county of Clark four judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap (~~three~~) four judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 1, chapter 192, Laws of 1974 ex. sess. and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, (~~three~~) four judges of the superior court; in the counties of Clallam and Jefferson jointly, two judges of the superior court; in the county of Snohomish seven judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 4. Section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.065 are each amended to read as follows:

There shall be in the counties of Douglas and Grant jointly, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, four judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Island jointly, (~~one~~) two judges of the superior court(~~(-PROVIDED, That this act shall only take effect in the event the legislature shall appropriate funds for the 1973-75 biennium to carry out the purpose of this 1973 act)).~~

NEW SECTION. Sec. 5. To carry out the provisions of this 1977 amendatory act, there is appropriated from the general fund the sum of four hundred forty-six thousand dollars or such as may be necessary for the biennium ending June 30, 1979.

NEW SECTION. Sec. 6. This 1977 amendatory act shall take effect November 1, 1977."

In line 8 of the title, after "2.08.064;" strike "and"

In line 10 of the title, after "2.08.065" insert "; making an appropriation; and providing an effective date"

Signed by: Senators Francis, Day and Sellar; Representatives Knowles, Boldt and Tilly.

MOTION

On motion of Senator Francis, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute Senate Bill No. 2143.

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2268 and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 3, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred Substitute Senate Bill No. 2268, as amended by the House, permitting OPP&FM to establish per diem rates, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the House amendments be adopted with the following amendments:

On page 3, line 7 of the House amendment, after "of" strike "either" and insert "consultation with and"

On page 3, line 11 of the House amendment, after "or" insert "consultation with and"

Signed by: Senators Rasmussen, Newschwander and Bausch; Representatives Ehlers, Keller and Zimmerman.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute Senate Bill No. 2268.

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2282, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 7, 1977

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2282, simplifying reporting requirements for campaign treasurers, have had the same under consideration, and we report that we are unable to

agree and recommend the House amendments not be adopted, and respectfully request the powers of free conference in order to amend the bill as follows:

AN ACT Relating to state government; amending section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020; amending section 3, chapter 1, Laws of 1973 and RCW 42.17.030; amending section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060; amending section 16, chapter 1, Laws of 1973 as amended by section 9, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 as amended by section 10, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.170; amending section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190; repealing section 14, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.195; and providing an effective date.

Section 1. Section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, (~~((public official,))~~) department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, (~~((city and county, school district))~~) town, municipal corporation, quasi municipal corporation, or special purpose district, ((political subdivision,)) or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision or other voting constituency from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account; ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by such worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any

state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. Section 3, chapter 1, Laws of 1973 and RCW 42.17.030 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for ~~((the president and vice president of the United States))~~ a federal elective office; and (c) for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district.

Sec. 3. Section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or political committee).

(2) ~~((All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by))~~ At the time each deposit is made, the campaign treasurer

or deputy campaign treasurer shall prepare and file with the commission a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, That contributions not exceeding ten dollars from any one person may be deposited without identifying the contributor. ~~((The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records for the minimum term of three years, one copy to be filed by the campaign treasurer with the commission, and one))~~ A duplicate copy ~~((to))~~ of the statement shall be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the ~~((third))~~ duplicate copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.

(4) Nothing in this section shall prohibit a candidate or political committee from investing funds on hand in a campaign depository in bonds, certificates, or savings accounts or other similar savings instruments in financial institutions other than the campaign depository: PROVIDED, That the commission is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the campaign depository in the account from which the investment was made and properly reported to the commission prior to any further disposition or expenditure thereof.

(5) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 4. Section 16, chapter 1, Laws of 1973 as amended by section 9, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, ~~((42.17.190,))~~ and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies~~((:));~~

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station~~((:));~~

(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter~~((:));~~

(4) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed fifteen dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (4) may at his option register and report under this chapter(;;);

(5) The governor(;;);

(6) The lieutenant governor(;;);

(7) Except as provided by RCW 42.17.190(1), members of the legislature(;;);

(8) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties(;;);

(9) ~~((Except as provided by RCW 42.17.190))~~ Elected ((state)) officials, and officers((, state officers appointed by the governor subject to confirmation by the senate,)) and employees of any ((state)) agency reporting under RCW 42.17.190(4) as now or hereafter amended.

Sec. 5. Section 17, chapter 1, Laws of 1973 as amended by section 10, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by ~~((both))~~ the lobbyist ~~((and the lobbyist's employers))~~. The reports shall be made in the form and manner prescribed by the commission. They shall be due ~~((quarterly))~~ monthly and shall be filed within ~~((thirty))~~ fifteen days after the ~~((end))~~ last day of the calendar ~~((quarter))~~ month covered by the report. ~~((In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday. PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under subsection (2) hereof was made by the reporting person.))~~

(2) Each such ~~((quarterly and weekly))~~ monthly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: PROVIDED HOWEVER, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported~~((AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments, living accommodations, travel, contributions, and such other categories as the commission shall prescribe by rule))~~. Each individual expenditure of more than ~~((fifteen))~~ twenty-five dollars for entertainment shall be identified by date, place, amount, and

the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any (~~(legislator)~~) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any (~~(legislator)~~) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any (~~(legislator)~~) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the (~~(legislator)~~) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates, or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state administrative procedure acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

Sec. 6. Section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no (~~(state)~~) public funds shall be used directly or indirectly for lobbying: PROVIDED, This shall not prevent (~~(state)~~) officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency:

PROVIDED, That public funds shall not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" shall mean a voluntary transfer of any thing of value without consideration of equal or greater value, but shall not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: PROVIDED FURTHER, That this section shall not permit the printing of a state publication which has been otherwise prohibited by law.

(4) Each state agency which expends state funds for lobbying pursuant to an express authorization by law and each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying pursuant to the authorization contained in subsection (3) of this section or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee engaged in such ((legislative activity)) activities, a general description of the nature of ((his legislative)) the activities, and the proportionate amount of ((his)) time spent on ((such)) the activities;

(c) An itemized listing of any expenditures incurred by the agency for such activities.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

((4)) (5) The provisions of this section shall not relieve any ((state)) elected official or officer or ((any)) employee of ((a state)) an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

NEW SECTION. Sec. 7. Section 14, chapter 112, Laws of 1975-'76 2nd sess. and RCW 42.17.195 are each repealed.

NEW SECTION. Sec. 8. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This 1977 amendatory act shall take effect on January 1, 1978."

Signed by: Senators Grant and Beck; Representatives Hawkins, Hughes and Zimmerman.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2282.

MESSAGES FROM THE HOUSE

June 7, 1977.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2111,
 SUBSTITUTE SENATE BILL NO. 2161,
 SENATE BILL NO. 2429,
 SUBSTITUTE SENATE BILL NO. 2889,

SENATE BILL NO. 2500,
 SUBSTITUTE SENATE BILL NO. 3010,
 SUBSTITUTE SENATE BILL NO. 3071,
 SUBSTITUTE SENATE BILL NO. 3105, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

June 7, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 2529,
 SENATE BILL NO. 2678,
 SUBSTITUTE SENATE BILL NO. 3028, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House insists on its position regarding ENGROSSED
 SENATE BILL NO. 2042 and asks the Senate for a conference thereon, and the
 Speaker has appointed as members of the conference committee: Representatives
 Conner, Charnley and Gilleland.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on
 Engrossed Senate Bill No. 2042 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on
 Engrossed Senate Bill No. 2042 and the House amendments thereto: Senators
 Talley, Wanamaker and Mardesich.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were
 confirmed.

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House has granted the request of the Senate for a confer-
 ence on Engrossed Senate Bill No. 2419 and the House amendments thereto, and
 the Speaker has appointed as members of the conference committee thereon: Repre-
 sentatives Knowles, Enbody, Newhouse.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House has passed Engrossed Senate Bill No. 2215 with
 amendments to page 1, line 1 of the title; and to page 2, line 22, and the same is
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 837, by Committee on Appropriations (originally sponsored by Representatives North, Knedlik, Chandler, Sherman and Fortson):

Providing for preservation of the Mount Si and Little Si area.

The bill was read the second time by sections.

There being no objection, an amendment by Senator Guess to page 2, line 2 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Lewis, the following amendments were considered and adopted simultaneously:

On page 4, line 20, after "of" strike "fifty" and insert "thirty-five"

On page 4, line 24, after "of" strike "ten thousand" and insert "six thousand five hundred"

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 837, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Senator Day will yield to a question? I certainly enjoyed the tales of your boyhood."

Senator Day: "I will tell you, in those days that is the trip I could afford."

Senator Van Hollebeke: "Senator Grant wants me to ask you about slopping the hogs."

Senator Day: "I did a little of that, too."

Senator Van Hollebeke: "There is only one trouble, it doesn't tell us much about this bill."

Senator Day: "I was afraid you were going to ask that. I didn't get up to speak on the bill."

Senator Van Hollebeke: "I have one perhaps pertinent question, and that is, who owns this land? I understand—if I recall correctly from newspaper stories some years back when this broke in the news—this is privately owned land."

Senator Day: "Some small portions of it, but mainly I think, the federal government and the department of natural resources, I think, own most of it."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 837, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 8; excused, 8.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Jones, Keefe, Lewis, Marsh, Matson, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—32.

Voting nay: Senators Buffington, Donohue, Guess, Henry, Monohon, Newschwander, Rasmussen, Van Hollebeke—8.

Excused: Senators Beck, Fleming, Herr, Mardesich, McDermott, Sellar, Wilson, Woody—8.

SUBSTITUTE HOUSE BILL NO. 837, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 255, by Committee on Local Government (originally sponsored by Representatives Newhouse and Thompson):

Granting irrigation and port districts the power to designate their own treasurers.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 255, as amended by the Senate.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 255, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 18; nays, 23; excused, 7.

Voting yea: Senators Bausch, Benitz, Clarke, Day, Donohue, Goltz, Gould, Guess, Hayner, Henry, Lewis, Marsh, Matson, Monohon, North, Peterson, von Reichbauer, Washington—18.

Voting nay: Senators Beck, Bluechel, Bottiger, Buffington, Francis, Gaspard, Grant, Jones, Keefe, Morrison, Murray, Newschwander, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Wojahn.—23.

Excused: Senators Fleming, Herr, Mardesich, McDermott, Sellar, Wilson, Woody.—7.

SUBSTITUTE HOUSE BILL NO. 255, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Morrison moved the Senate immediately reconsider the vote by which Substitute House Bill No. 255, as amended by the Senate, failed to pass the Senate.

MOTION

On motion of Senator Henry, the motion for reconsideration by Senator Morrison was made a special order of business for June 9, 1977.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 674, by Committee on Agriculture (originally sponsored by Representatives Kilbury and Clayton):

Revising laws relating to the sale or transfer of agricultural products.

REPORT OF STANDING COMMITTEE

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 674, revising laws relating to the sale or transfer of agricultural products (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, beginning on line 16, after "crop" strike all material down to and including "~~merchant~~)" on line 17, and insert "unless otherwise mutually agreed upon between grower and commission merchant"

On page 7, beginning on line 6, after "except" strike all material down to and including "~~licensee~~" on line 7, and insert "by written contract between the consignor or his agent and the licensee"

On page 12, beginning on line 29, strike all of subsection (22)

On page 12, line 34, strike "~~or dealer/processor~~"

On page 12, beginning on line 36, after "merchant," strike all material down to and including "~~dealer/processor,~~" on page 13, line 1

On page 15, beginning on line 2, after "sale" strike all material down to and including "~~merchant~~)" on line 4, and insert ", unless otherwise mutually agreed between grower and commission merchant"

On page 15, line 13, strike "~~or as dealer/processors~~"

On page 15, line 20, strike "~~or dealer/processors~~"

On page 16, beginning on line 25, after "crops" strike all material down to and including "~~factors~~)" and insert "which is not supportable by economic cost factors"

On page 16, line 29, strike section 16 and renumber the remaining sections consecutively.

Signed by: Senators Gaspard, Chairman; Benitz, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Gaspard, the committee amendments were adopted.

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

On page 7, beginning on line 8, strike "as provided by this section"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 674, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 674, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—41.

Voting nay: Senator Matson—1.

Excused: Senators Herr, Mardesich, McDermott, Sellar, Wilson, Woody—6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 674, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 280, by Representatives Martinis, Wilson, Moreau, Hughes, North and Schmitten:

Prohibiting an owner or harbinger of dogs to permit such dogs to pursue or injure deer or elk.

The Senate resumed consideration of Engrossed House Bill No. 280. On March 4, 1977, two amendments by Senator Sandison were adopted.

There being no objection, on motion of Senator Sandison the adopted amendments were withdrawn.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 280 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 280, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Van Hollebeke, Walgren, Wanamaker, Washington, Wojahn—40.

Voting nay: Senators Bottiger, Talley, von Reichbauer—3.

Excused: Senators Herr, McDermott, Sellar, Wilson, Woody—5.

ENGROSSED HOUSE BILL NO. 280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

HOUSE BILL NO. 186, by Representatives Keller, King, Kreidler, Smith, Burns, Owen and Vrooman:

Permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns.

MOTION

On motion of Senator Grant, the rules were suspended and House Bill No. 186, as amended by the Senate on March 4, 1977, was returned to second reading.

PARLIAMENTARY INQUIRY

Senator Grant: "Parliamentary inquiry, Mr. President. We have, I believe,—it was on third reading. I thought this was a message back from the House, and that the proper motion would be to recede from the Senate amendments. That is what they have asked us to do."

REPLY BY THE PRESIDENT

President Cherberg: "The President has been advised that this bill was passed during the regular session, and at the adjournment of the regular session was returned to the House—third reading calendar and has been there ever since."

Debate ensued.

MOTION

On motion of Senator Grant, House Bill No. 186, as amended by the Senate, was ordered held for the second reading calendar for June 9, 1977.

MOTION

On motion of Senator Jones, Senators Gould and Matson were excused.

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

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2460 with the following amendment:

On page 2, line 9, after "hostels" insert ": PROVIDED, That the commission shall establish rules and regulations for the operation of hostels which are substantially similar to the operating standards and customs established by the American Youth Hostels Incorporated", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2460.

MOTION

On motion of Senator Mardesich, Engrossed Senate Bill No. 2460, as amended by the House, was ordered held on the concurrence calendar for June 9, 1977.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 2502 with the following amendments:

Beginning on page 1, line 6, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. It is the intent of the legislature that the methodology used in the equalization of property values for the purposes of the state levy, public utility assessment, and other purposes, shall be designed to ensure uniformity and equity in taxation throughout the state to the maximum extent possible.

It is the purpose of this 1977 amendatory act to provide certain guidelines for the determination of the ratio of assessed value to the full true and fair value of the general property in each county.

Sec. 2. Section 42, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.130 are each amended to read as follows:

The board shall have jurisdiction to decide the following types of appeals:

- (1) Appeals taken pursuant to RCW 82.03.190.
- (2) Appeals from a county board of equalization pursuant to RCW 84.08.130.
- (3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, the right to such an appeal being hereby established.
- (4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapter 84.12 RCW and 84.16 RCW, the right to such appeal being hereby established.

(5) Appeals by an assessor from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to section 3 of this amendatory act: PROVIDED, That

(a) Said appeal be filed after review of the ratio by the assessor with the department of revenue and upon or before August 11th; and

(b) The hearing before the board shall be expeditiously held in accordance with rules prescribed by the board and shall take precedence over all matters of the same character.

NEW SECTION. Sec. 3. There is added to chapter 84.48 RCW a new section to read as follows:

(1) The department of revenue shall annually, prior to the first Monday in August, determine the indicated ratio for each county: **PROVIDED**, That the department shall establish rules and regulations pertinent to the determination of the indicated ratio, the indicated real property ratio and the indicated personal property ratio: **PROVIDED FURTHER**, That these rules and regulations may provide that data, as is necessary for said determination, which is available from the county assessor of any county and which has been audited as to its validity by the department, may be utilized by the department in determining the indicated ratio.

(2) To such extent as is reasonable, the department may define use classes of property for the purposes of determination of the indicated ratio. Such use classes may be defined with respect to property use and may include agricultural, open space, timber and forest lands.

(3) Prior to equalization of assessments pursuant to RCW 84.48.080, but no later than August 1st, the department shall submit its findings or preliminary findings to each of the county assessors allowing a reasonable time for review by the assessor."

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending section 42, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.130; and adding a new section to chapter 84.48 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue the Senate concurred in the House amendments to Substitute Senate Bill No. 2502.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2502, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—41.

Voting nay: Senator Murray—1.

Excused: Senators Herr, Matson, McDermott, Sellar, Wilson, Woody—6.

SUBSTITUTE SENATE BILL NO. 2502, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House has passed: **ENGROSSED SENATE BILL NO. 2662** with the following amendments:

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

"Section 1. Section 14, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.080 are each amended to read as follows:

(1) There is hereby created a state veterans affairs advisory committee which shall serve in an advisory capacity to the governor and the director of the department of veterans affairs. The committee shall be composed of ~~((nine))~~ eleven members to be appointed by the governor, and shall consist of two veterans at large, one of whom shall be a Viet Nam era veteran~~((:))~~; one representative of the Washington soldiers' home and colony at Orting; one representative of the Washington veterans' home at Retsil; and one representative of each of the following congressionally chartered veterans organizations: American Legion, Veterans of Foreign Wars, American Veterans of World War II, Korea and Vietnam, Disabled American Veterans, Military Order of the Purple Heart, Marine Corps League, and Veterans of World War I. The seven members representing the foregoing organizations shall be chosen from a list of twenty-one nominees consisting of three names submitted to the governor by each of the named organizations. The first members of the committee shall hold office as follows: Three members to serve two years; three members to serve three years; and three members to serve four years. The first members appointed to represent the soldiers' home and colony at Orting and the veterans' home at Retsil shall hold office for four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The state advisory committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the ~~((director and the))~~ governor and the director on all matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable.

(3) Members of the state advisory committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

NEW SECTION. Sec. 2. The state veterans affairs advisory committee and its duties shall cease to exist on June 30, 1983, unless extended by law for an additional fixed period of time."

On page 1, on line 1 of the title, after "committee;" strike the remainder of the title and insert "amending section 14, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.080; creating a new section; and providing an expiration date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Rasmussen moved the Senate do not concur in the House amendments to Engrossed Senate Bill No. 2662 and ask the House to recede therefrom.

MOTION

Senator Lewis moved the Senate do concur in the House amendments to Engrossed Senate Bill No. 2662 and pass the bill as amended by the House.

The President declared the question before the Senate to be the positive motion by Senator Lewis.

The motion by Senator Lewis carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 2662.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2662, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—42.

Excused: Senators Herr, Matson, McDermott, Sellar, Wilson, Woody—6.

ENGROSSED SENATE BILL NO. 2662, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2667 with the following amendment:

On page 1, line 15, after "December 1," strike "1977" and insert "1978", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Ridder, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2667.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2667, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—42.

Excused: Senators Herr, Matson, McDermott, Sellar, Wilson, Woody—6.

ENGROSSED SENATE BILL NO. 2667, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:40 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 2:55 p.m.

MESSAGE FROM THE HOUSE

June 3, 1977.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE JOINT RESOLUTION NO. 7 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Grant moved the Senate recede from its amendments to House Joint Resolution No. 7.

Debate ensued.

Senator Grant demanded a roll call and the demand was sustained by Senators Talley, Washington, Pullen, Gould, Wilson, Wojahn, Clarke, Lewis and Wanamaker.

MOTION

On motion of Senator Odegaard, Senator Ridder was excused.

The President declared the question before the Senate to be the motion by Senator Grant that the Senate recede from its amendments to House Joint Resolution No. 7.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas, 22; nays, 19; absent or not voting, 3; excused, 4.

Voting yea: Senators Bausch, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Keefe, Mardesich, Marsh, McDermott, Monohon, Murray, North, Odegaard, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn—22.

Voting nay: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Guess, Hayner, Henry, Jones, Lewis, Morrison, Newschwander, Peterson, Pullen, Rasmussen, Scott, Sellar, Wanamaker, Wilson—19.

Absent or not voting: Senators Bottiger, Day, Donohue—3.

Excused: Senators Herr, Matson, Ridder, Woody—4.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved the Senate reconsider the vote by which the motion to recede from the Senate amendments to House Joint Resolution No. 7 carried.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen, with the permission of the Senate, the President should like to exercise the privilege and great pleasure of presenting to you two charming and lovely ladies from Florida who are visiting the Evergreen State, and incidentally, they are also kissing cousins of the President. Mrs. Clara Johnson and Mrs. Antoinette Gibson.

"Thank you very much."

PARLIAMENTARY INQUIRY

Senator Washington: "Point of parliamentary inquiry. If the motion here prevails and we do reconsider the vote by which we receded from our amendment and

then next we were to fail in this regard, and then on the vote we failed to get the two-thirds, could you then reconsider a second time the vote by which we receded, could we attempt to do this twice? If we can't, it seems to me the best way to bring this about would be to have the vote on the amendment itself. If it were to lose, then to ask for reconsideration and go back so that we are sure we have the chance to reconsider."

REPLY BY THE PRESIDENT

President Cherberg: "In answer to your inquiry, Senator Washington, it is within the province of the Senate to reconsider the vote by which this motion was adopted. In the subsequent event that the resolution failed to receive a two-thirds majority, the Senate then, in its wisdom, could decide whether or not it wanted to reconsider the vote by which the resolution was lost.

"If the resolution were lost, the Senate then could offer another motion as to whether or not another motion to refuse to recede from its position, as an example."

The motion for reconsideration by Senator Mardesich carried. The Senate moved to reconsider the motion by Senator Grant that the Senate recede from its amendments to House Joint Resolution No. 7.

MOTION

On motion of Senator Mardesich, the motion by Senator Grant, will be held for reconsideration on June 9, 1977.

MOTIONS

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

On motion of Senator Fleming, all members were permitted as sponsors to Senate Resolution 1977-72.

Senator Gould moved adoption of the following resolution:

SENATE RESOLUTION 1977-72

By Senator Gould; President of the Senate John A. Cherberg; Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn and Woody; Sid Snyder, Secretary of the Senate; Charlie Johnson, Sergeant at Arms; and Bill Gleason, Assistant Secretary of the Senate:

WHEREAS, University of Washington men's and women's crews have swept the field this year; the women winning four of four West Coast championship races and the men winning four of five West Coast championship races; and

WHEREAS, This is the eighth year in a row that Husky crews have been Pacific Coast champions and in two of those years have won national championships; and

WHEREAS, University of Washington crews have ably represented the state and the nation in international, world, and Olympic rowing competitions since 1936; and

WHEREAS, In addition to their athletic prowess, crew members are among the academic elite of their university with the highest grade averages of any team; and

WHEREAS, Once again Coach Richard D. Erickson will take the men's varsity heavyweight and lightweight crews abroad this year to compete against champion European crews in world-renowned regattas in Lucerne, Switzerland, and Henley and Nottingham, England;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate sends highest congratulations on their achievements to Coach Erickson and the members of the crews and wishes them Godspeed, a following wind, and continued success on their European tour; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Coach Erickson, the members of his staff, and to each member of the championship crews.

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

With permission of the Senate, business was suspended to permit Coach Richard D. Erickson to address the Senate.

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

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Third Substitute House Bill No. 371, as amended by the Senate.

THIRD READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, by Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie):

Revising the juvenile justice and care system.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 371, as amended by the Senate.

MOTIONS

On motion of Senator Pullen, the rules were suspended and Engrossed Third Substitute House Bill No. 371, as amended by the Senate, was returned to second reading.

On motion of Senator Pullen, the Senate moved to reconsider the vote by which the committee amendment, as amended, was adopted on June 7, 1977.

On motion of Senator Pullen, the following amendment by Senators Pullen, Day, Rasmussen, Hayner, Van Hollebeke, Newschwander, Bausch, Buffington, Francis, Talley, Wanamaker, Donohue, Jones, Sellar, Gaspard, von Reichbauer, Benitz, Guess, Lewis, Goltz, Matson, Washington, Morrison, Mardesich, Wojahn and Wilson to the committee amendment was adopted:

On page 20, line 2, after "Relationship." add a new section as follows:

"NEW SECTION. Sec. 30. The legislature declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact in the absence of compelling evidence to the contrary."

Renumber remaining sections consecutively.

The committee amendment, as amended, on reconsideration, was adopted.

MOTION

On motion of Senator Francis, the rules were suspended, Engrossed Third Substitute House Bill No. 371, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

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

MESSAGE FROM THE HOUSE

June 8, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SENATE BILL NO. 2493 and has passed the bill as amended by the House, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 4, 1977.

Mr. Speaker:

Mr. President:

We, of Your Conference Committee, to whom was referred SENATE BILL NO. 2493, making miscellaneous changes in community college law, have had the same under consideration, and we recommend that the bill do pass as amended by the House.

Signed by: Senators Odegaard, Benitz and Sandison; Representatives Erickson, Conner and Flanagan.

MOTION

On motion of Senator Odegaard, the report of the Conference Committee on Senate Bill No. 2493 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2493, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 5; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Francis, Gaspard, Goltz, Gould, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebecke, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Day, Fleming, Grant, Hayner, von Reichbauer—5.

Excused: Senators Herr, Matson, Woody—3.

SENATE BILL NO. 2493, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:50 p.m., on motion of Senator Walgren, the Senate recessed until 4:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:45 p.m.

MOTIONS

On motion of Senator Marsh, Senators Rasmussen and Wojahn were excused.
On motion of Senator Sellar, Senator Jones was excused.

THIRD READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, by Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie):

Revising the juvenile justice and care system.

The Senate resumed consideration from earlier today of Engrossed Third Substitute House Bill No. 371; as amended by the Senate, on third reading.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Third Substitute House Bill No. 371, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 371, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 13; absent or not voting, 2; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Buffington, Clarke, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Keefe, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Peterson, Pullen, Ridder, Scott, Van Hollebeke, von Reichbauer, Wanamaker, Washington—27.

Voting nay: Senators Beck, Benitz, Donohue, Guess, Hayner, Henry, Lewis, Newschwander, Odegaard, Sellar, Talley, Walgren, Wilson—13.

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

Excused: Senators Herr, Jones, Matson, Rasmussen, Wojahn, Woody—6.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Francis, Engrossed Third Substitute House Bill No. 371, as amended by the Senate, was ordered immediately transmitted to the House.

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

MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1203.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1203, by Committee on Education (originally sponsored by Representative McKibbin):

Authorizing expenditures to implement programs of proper educational practices.

REPORT OF STANDING COMMITTEE

May 25, 1977.

SUBSTITUTE HOUSE BILL NO. 1203, authorizing expenditures to implement programs of proper educational practices (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 5, strike all of section 3

In line 3 of the title after "RCW" strike "; and making an appropriation"

Signed by: Senators McDermott, Chairman; Francis, Gaspard, Gould, Hayner, Washington.

The bill was read the second time by sections.

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

On motion of Senator McDermott, the committee amendment to the title was adopted.

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1203, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Donohue: "Will Senator McDermott yield, please? Senator, you say there are six programs. Are these programs something that can't be done today in our common school system with well trained certificated employees? That is one question.

"The second question is, if there are six programs now, and you had an appropriation which you have struck of one point nine million, this year, can we anticipate that we will be probably having programs in many, many schools and it is very possible that we will have an appropriation which will become another House Bill 90 in another three or four or five years?

Senator McDermott: "Senator Donohue, the programs that I am talking about are—well, let me start back a minute. The problem is that everybody says that we ought to do something about remediation for basic skills in reading and math and other areas. What happens is that the federal government gives money and people try things, and everybody is rediscovering the wheel.

"This bill was an attempt to coordinate through the superintendent of public instruction those programs which have been developed with federal money and have worked, have been tested, have been followed over the course of several years, such as the Host Program in Vancouver. The importance of this bill is to only give the superintendent the opportunity to disseminate information about bills that have been proven, that is, tested.

"So, I do not anticipate new programs being developed all over the state. The question as to whether it can be done by people who are in the school district already, I think the answer to that is, certainly, but there is no use in putting people through all the developmental work that has gone on already."

Senator Donohue: "When we withdraw as we did here in section 3 of the appropriation of one point nine million dollars which was general fund money, that indicates that there has to be some kind of an enhancement in the program if, prior to this, federal money were the dollars that were being used. Are you saying that the federal money has been withdrawn?"

Senator McDermott: "No, unfortunately, what happens—I know you know this, is that the feds start things and they run them out there and they test them, and then they don't fund them. What we are saying is, that once the program has been developed—most of these programs do not cost money to operate beyond getting the information to the districts, and then they can use their own local money,

but they have to know what the basic program is and how it works, so I don't see this as being an increased cost to the state. I think it can be done out of the money that is in districts already once they understand what the program is."

Senator Donohue: "What you are saying then is that we can anticipate next year or the following year that they will have this all solved, and there will be no request for additional state funds. Is that correct?"

Senator McDermott: "I anticipate no request for state funds next year."

Senator Donohue: "Next year."

Senator McDermott: "Well, you know the process down here. People always make requests, but I think we will be fiscally responsible and deal with those requests."

Senator Donohue: "Wasn't it probably a prudent move to remove this language recognizing that we might be back here next year, and if we can get the bill passed, because people will think it is not going to cost any money then when we come back here next year, we will get the appropriation to fund it and by then, it will be three or four million. Is that a possibility?"

Senator McDermott: "Is it a possibility? Everything is possible in the Senate."

POINT OF INQUIRY

Senator Guess: "Would Senator McDermott yield? Senator McDermott, this statement in the digest says that it requires priority be given to programs of proven educational practices. Once they prove them, is the SPI going to disseminate this and order all the other school districts in the state to use those programs?"

Senator McDermott: "No, Senator Guess, it will not be something that he orders, but he can offer the information to those districts that would like to use it. We are really using the superintendent's office as the clearing house. Right now, you have people doing things. The programs are presently in Yakima, Seattle, Highline, Vancouver, North Kitsap, Lakewood, Bremerton, Pasco but the problem is that people aren't talking to one another, and we are encouraging the superintendent of public instruction to serve as a clearing house so that every district will know what is available, but we are not putting him in the position of saying, 'Everybody shall run the program that we are running in Yakima.' We are saying, 'Here is the program that is running in Yakima. If you would like to know about it, here is where you can get the information.'"

Senator Guess: "Senator McDermott, how long has the federal government been putting money into this program that they have now withdrawn?"

Senator McDermott: "I can't give you the exact date, there have been various programs developed under Title I money which started, I think, in 1967, so there have been programs on a grant basis that have been developed over the last, probably, ten years, and these are programs that have not only been developed, but tested. There are a lot of programs that people have tried that haven't worked. So that is the kind of program we are talking about here is one that has been through a testing process."

Senator Guess: "Senator, the budget that we are passing has in excess of a billion dollars in it. Isn't there a sufficient amount of money in a billion dollars for the SPI to write a letter to these various schools in the state and say, 'Here are programs; here are curricula.' I have been able to obtain from the SPI a little colored book that has programs in it and it says you can use them if you want to. Is this million, nine hundred thousand dollars that we have withdrawn from that, was that the estimated cost of writing a letter to all of the districts?"

Senator McDermott: "We never considered the fiscal note from the House because we always felt it could be done within existing revenues."

Senator Guess: "Thank you."

POINT OF INQUIRY

Senator Donohue: "Mr. President, would Senator McDermott yield again? Senator, there are amendments on this bill and it is going to go back over to the House, and I have heard that there is a great possibility they will ask us to go in a conference so they can get the money by a conference. Do you have any indication that this is a possibility?"

Senator McDermott: "No one has spoken to me about that possibility."

Senator Donohue: "You don't support that kind of—?"

Senator McDermott: "I don't support that kind of conference, Senator."

Senator Donohue: "Thank you, Senator."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Mr. President, I would like to ask Senator Gould if she would yield? Senator Gould, I have in my hand this outline of the six projects that they are supposed to use, 'Reaching Project Success,' and remembering that in House Bill 50, several years ago when we codified the laws which weren't supposed to change the educational laws at all, but which really did drastic overhaul to them, it said that the legislature and the SPI could no longer dictate a curricula. Isn't this, in fact, setting up by state statute a curricula that these schools are going to have to take?"

Senator Gould: "First of all, in response, we have already by statute dictated some curricula."

Senator Guess: "What?"

Senator Gould: "Physical education, Washington state history are specifically in statute as far as curricula, but I do not see this doing that. They can choose any one of these that they want to use to meet the needs of their individual districts, but the local district determines what their need is. If they don't see a need, they don't ask for one of those."

Senator Guess: "All right. If they have a need now, and the purpose of project 'Compare' is to increase the basic skills for the handicapped, is this the handicapped person that can't read or write, or is this the handicapped person that House Bill 90 took care of?"

Senator Gould: "I couldn't speak to that because I do not know that particular program?"

Senator Guess: "All right. You keep talking about 'remedial' training. Could you tell us why, in the first place, spending a billion odd dollars a year, that nobody can teach them how to read and write?"

Senator Gould: "I don't think that nobody can teach them how to read and write. I think we do a very good job of teaching children how to read and write."

Senator Guess: "Why do we want to spend more money to teach them to read and write when they have already been taught to read and write?"

Senator Gould: "I think there are some continually who need to have their skills improved, and certainly those in the educational field recognize that. One of the things we look for, and not being an educator, I guess I couldn't keep saying 'we' except I guess I am also identified with it. One of the things that is looked for is ways of getting at different problems that children have, and this is just one way of approaching remedial reading problems that some children have. There are a lot of factors which determine whether or not a student can read. One of the best ways if I may, one of the best ways to do that is to have a one on one situation where a volunteer who has knowledge of the skill is able to work in a very patient, continuous manner with a student, and the HOST Program is one that does that. Some of the others do it in other ways."

Senator Guess: "Senator, it has been impossible for me to determine—but I learned to read and write when I was in the first, second and third grades, I suppose, in that area. Are the schools now not doing that?"

Senator Gould: "I think they are, but not every student maybe, is as capable as you were, Senator."

Senator Guess: "Why do they have remedial? After they have taught them in the first, second and third grades, why do you have to have remedial teaching?"

Senator Gould: "I think I would like to yield to Senator Washington. He looks so excited about it, I would be delighted if he—"

Senator Guess: "Senator Washington, can you enlighten me?"

Senator Washington: "Yes, I would like to answer that. Again, I think maybe I have said it before. My mother was a remedial teacher, and I saw what happened to kids that did not learn how to read with the methods that were utilized by the average student. Actually, the methods of teaching reading, for instance, are geared to the North. They are not geared to students that do have learning disabilities of one type or another, and many times it takes a different approach in order to do it. It may take much more phonics, for instance, to teach some types of students than the average who go on through. I didn't have to have remedial work, and neither did you, but I watched what happened in the Ephrata schools with some kids that were just really set. They hadn't learned to read. They had been in the seventh and eighth grades. They were juvenile problems. They were ready to get into something more serious. They couldn't compete scholastically, but when they took remedial reading and learned how to read, they could then do the courses that they had been flunking in and became reasonably good students.

"So, the norm does not always work, and the thing that I would like to point out is that you have a document there that talks about six programs, but those six programs are mainly geared to taking care of the things that we are testing. If you will look at the bill on page 19, reading, mathematics and language arts. Those are the things that we are saying we want to use demonstrated and effective programs. I don't think we are completely satisfied with the effectiveness of our students in coming out of high schools with their reading, their mathematics or their language arts. It means we have got to do something about it, and this is an effort to do that by utilizing, not guessing, but to utilize means that have proven effective, and I think it would be money well spent. I could be, maybe, prejudiced because I watched it work."

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 1203, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1203, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 19; absent or not voting, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Keefe, Marsh, McDermott, Murray, North, Ridder, Talley, Van Hollebeke, Walgren, Washington—21.

Voting nay: Senators Benitz, Buffington, Clarke, Donohue, Guess, Henry, Lewis, Mardesich, Monohon, Morrison, Newschwander, Odegaard, Peterson, Pullen, Scott, Sellar, von Reichbauer, Wanamaker, Wilson—19.

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

Excused: Senators Herr, Jones, Matson, Rasmussen, Wojahn, Woody—6.

SUBSTITUTE HOUSE BILL NO. 1203, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Van Hollebeke moved the Senate immediately reconsider the vote by which Substitute House Bill No. 1203, as amended by the Senate, failed to pass the Senate.

MOTION

Senator Marsh moved that the motion for reconsideration by Senator Van Hollebeke on the failure to pass Substitute House Bill No. 1203, as amended by the Senate, be held for June 9, 1977.

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained by Senators Clarke, Newschwander, Pullen, von Reichbauer, Lewis, Hayner, Gould, North and Wanamaker.

The President declared the question before the Senate to be the motion by Senator Marsh that the motion for reconsideration by Senator Van Hollebeke be held for June 9, 1977.

ROLL CALL

The Secretary called the roll and the motion by Senator Marsh carried by the following vote: Yeas, 22; nays, 13; absent or not voting, 7; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Fleming, Gaspard, Goltz, Gould, Grant, Keefe, Lewis, Marsh, Monohon, Morrison, North, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington—22.

Voting nay: Senators Benitz, Clarke, Donohue, Guess, Henry, Mardesich, McDermott, Newschwander, Odegaard, Peterson, Pullen, Wanamaker, Wilson—13.

Absent or not voting: Senators Buffington, Day, Francis, Hayner, Murray, Sandison, Scott—7.

Excused: Senators Herr, Jones, Matson, Rasmussen, Wojahn, Woody—6.

MOTION

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

REPORT OF STANDING COMMITTEE

June 8, 1977.

SECOND SUBSTITUTE HOUSE BILL NO. 1306, establishing a schedule of salary increases for legislators (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 113, Laws of 1975-'76 2nd ex. sess. and RCW 43.03.010 are each amended to read as follows:

The annual salaries of the following named state elected officials shall be: Governor, (~~forty-two thousand one hundred fifty~~) fifty-five thousand dollars; lieutenant governor, (~~seventeen thousand eight hundred~~) twenty-five thousand dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, (~~twenty-one thousand four hundred~~) twenty-seven thousand

dollars; state treasurer, (~~((twenty-four thousand one hundred fifty))~~ thirty-two thousand five hundred dollars; state auditor, (~~((twenty-four thousand nine hundred fifty))~~ thirty-two thousand five hundred dollars; attorney general, (~~((thirty-one thousand five hundred))~~ forty-one thousand two hundred dollars; superintendent of public instruction, (~~((thirty-one thousand five hundred))~~ thirty-seven thousand four hundred dollars; commissioner of public lands, (~~((twenty-nine thousand two hundred fifty))~~ thirty-seven thousand four hundred dollars; state insurance commissioner, (~~((twenty-four thousand fifty))~~ thirty thousand seven hundred dollars; members of the legislature shall receive for their service (~~((seven thousand two))~~ nine thousand eight hundred dollars per annum, effective January (~~((10, 1977))~~ 8, 1979; and in addition, ten cents per mile for travel to and from legislative sessions.

Sec. 2. Section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.04.090 are each amended to read as follows:

Each justice of the supreme court shall receive an annual salary of (~~((thirty-nine thousand four hundred twelve))~~ forty-five thousand dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Sec. 3. Section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.06.060 are each amended to read as follows:

Each judge of the court of appeals shall receive an annual salary of (~~((thirty-six thousand three hundred twenty-five))~~ forty-two thousand dollars, but no salary warrant shall be issued to any judge until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

Sec. 4. Section 2, chapter 144, Laws of 1953 as last amended by section 4, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.08.090 are each amended to read as follows:

Each judge of the superior court shall receive an annual salary of (~~((thirty-four thousand two hundred fifty))~~ thirty-nine thousand dollars.

Sec. 5. Section 100, chapter 299, Laws of 1961 as last amended by section 5, chapter 263, Laws of 1975 1st ex. sess. and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time justice of the peace shall be (~~((twenty-nine))~~ thirty-three thousand dollars: PROVIDED, That in cities having a population in excess of four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time justice of the peace shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday: PROVIDED FURTHER, That a member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.090, 2.06.060, 2.08.090, and 3.58.010 shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator.

NEW SECTION. Sec. 6. To carry out the provisions of this 1977 amendatory act, there is hereby appropriated out of the general fund to the governor the sum of one million two hundred thousand dollars, or so much thereof as shall be necessary.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977."

In line 4 of the title, after "43.03.010;" strike the remainder of the title and insert "amending section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 4, chapter 263, Laws of 1975 1st ex. sess. and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 5, chapter 263, Laws of 1975 1st ex. sess. and RCW 3.58.010; making an appropriation; declaring an emergency; and providing an effective date."

Signed by: Senators Donohue, Chairman; Clarke, Fleming, Grant, Jones, Marsh, Murray, Sandison, Scott, Walgren, Washington.

MOTIONS

On motion of Senator Walgren, the rules were suspended and Second Substitute House Bill No. 1306 was advanced to second reading and placed on the second reading calendar for today.

Second Substitute House Bill No. 1306 was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

On motion of Senator Morrison, the following amendment by Senators Morrison, Clarke, Newschwander and Donohue was adopted:

On page 1, line 37, strike "thirty thousand seven hundred" and insert "thirty-two thousand five hundred"

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

On motion of Senator Donohue, the committee amendment to the title was adopted.

Debate ensued.

On motion of Senator Donohue, the rules were suspended, Second Substitute House Bill No. 1306, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Senators Beck, Benitz and Clarke demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 1306, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1306, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 16; excused, 6.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gould, Grant, Guess, Henry, Keefe, Marsh, McDermott, Murray, Newschwander, Peterson, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington—26.

Voting nay: Senators Benitz, Buffington, Francis, Gaspard, Goltz, Hayner, Lewis, Mardesich, Monohon, Morrison, North, Odegaard, Pullen, Ridder, von Reichbauer, Wilson—16.

Excused: Senators Herr, Jones, Matson, Rasmussen, Wojahn, Woody—6.

SECOND SUBSTITUTE HOUSE BILL NO. 1306, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

June 8, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 649, implementing law relating to cosmetology, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 2 of House Bill No. 649, after line 6 insert the following:

"Sec. 2. Section 7, chapter 180, Laws of 1951 as last amended by section 15, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.140 are each amended to read as follows:

Operator, manicurist, instructor operator, manager operator, shop, or school licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.

~~((A certificate of health is required with an application for an original license; one must also be filed with a renewal application.))~~

Any manicurist, operator, manager operator, or instructor operator, whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended for each lapsed year: PROVIDED, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license."

On page 1 of House Bill No. 649, on line 1 of the title after "cosmetology;" insert "amending section 7, chapter 180, Laws of 1951 as last amended by section 15, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.140;"

Signed by: Senators Van Hollebeke, Buffington and Bausch; Representatives McCormick, Greengo and Salatino.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on House Bill No. 649.

SIGNED BY THE PRESIDENT

The President has signed:

SENATE BILL NO. 2215.

MESSAGES FROM THE HOUSE

June 8, 1977.

Mr. President: The House has passed REENGROSSED HOUSE BILL NO. 584 with the Senate amendment (except the Senate amendment to page 1, line 21, from which the Senate receded).

DEAN R. FOSTER, Chief Clerk.

June 8, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 301,

SUBSTITUTE HOUSE BILL NO. 880, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1977

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 348,
 HOUSE BILL NO. 355,
 SUBSTITUTE HOUSE BILL NO. 1142,
 SUBSTITUTE HOUSE BILL NO. 1189, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 393,
 SUBSTITUTE HOUSE BILL NO. 643,
 HOUSE BILL NO. 1153,
 HOUSE BILL NO. 1232, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

June 8, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 2121,
 SENATE BILL NO. 2215,
 SUBSTITUTE SENATE BILL NO. 2430,
 SUBSTITUTE SENATE BILL NO. 2544,
 SUBSTITUTE SENATE BILL NO. 3044,
 SECOND SUBSTITUTE SENATE BILL NO. 3067, and the same are here-
 with transmitted.

DEAN R. FOSTER, Chief Clerk.

June 8, 1977.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2172,
 SUBSTITUTE SENATE BILL NO. 2525,
 SUBSTITUTE SENATE BILL NO. 2527,
 SENATE BILL NO. 2563,
 SUBSTITUTE SENATE BILL NO. 2654,
 SENATE BILL NO. 2668, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

June 8, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 50,
 SUBSTITUTE HOUSE BILL NO. 194,
 HOUSE BILL NO. 195,
 SUBSTITUTE HOUSE BILL NO. 225,
 HOUSE BILL NO. 285,
 HOUSE BILL NO. 316,
 SUBSTITUTE HOUSE BILL NO. 384,
 SUBSTITUTE HOUSE BILL NO. 402,
 HOUSE BILL NO. 414,
 SUBSTITUTE HOUSE BILL NO. 508,
 SUBSTITUTE HOUSE BILL NO. 512,
 SUBSTITUTE HOUSE BILL NO. 531,
 SUBSTITUTE HOUSE BILL NO. 572,
 HOUSE BILL NO. 653,
 HOUSE BILL NO. 703,
 SUBSTITUTE HOUSE BILL NO. 737,

HOUSE BILL NO. 733,
HOUSE BILL NO. 778,
HOUSE BILL NO. 825,
HOUSE BILL NO. 933,
SUBSTITUTE HOUSE BILL NO. 1213,
HOUSE CONCURRENT RESOLUTION NO. 4,
HOUSE CONCURRENT RESOLUTION NO. 18, and the same are here-
with transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 733,
HOUSE BILL NO. 825,
HOUSE BILL NO. 933,
SUBSTITUTE HOUSE BILL NO. 1213,
HOUSE CONCURRENT RESOLUTION NO. 4,
HOUSE CONCURRENT RESOLUTION NO. 18.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2445,
SUBSTITUTE SENATE BILL NO. 2502,
SENATE BILL NO. 2662,
SENATE BILL NO. 2667,
SENATE BILL NO. 3068.

SIGNED BY THE PRESIDENT

The President has signed:

SUBSTITUTE HOUSE BILL NO. 50,
SUBSTITUTE HOUSE BILL NO. 194,
HOUSE BILL NO. 195,
SUBSTITUTE HOUSE BILL NO. 225,
HOUSE BILL NO. 285,
HOUSE BILL NO. 316,
SUBSTITUTE HOUSE BILL NO. 384,
SUBSTITUTE HOUSE BILL NO. 402,
HOUSE BILL NO. 414,
SUBSTITUTE HOUSE BILL NO. 508,
SUBSTITUTE HOUSE BILL NO. 512,
SUBSTITUTE HOUSE BILL NO. 531,
SUBSTITUTE HOUSE BILL NO. 572,
HOUSE BILL NO. 653,
HOUSE BILL NO. 703,
SUBSTITUTE HOUSE BILL NO. 737,
HOUSE BILL NO. 778.

SIGNED BY THE PRESIDENT

HOUSE BILL NO. 301,
SUBSTITUTE HOUSE BILL NO. 348,
HOUSE BILL NO. 355,
SUBSTITUTE HOUSE BILL NO. 393,

SUBSTITUTE HOUSE BILL NO. 643,
SUBSTITUTE HOUSE BILL NO. 880,
SUBSTITUTE HOUSE BILL NO. 1142,
HOUSE BILL NO. 1153,
SUBSTITUTE HOUSE BILL NO. 1189,
HOUSE BILL NO. 1232.

MOTION

At 6:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., June 9, 1977.

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

 NINETY-FIRST DAY

 MORNING SESSION

Senate Chamber, Olympia, Thursday, June 9, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Beck, Bottiger, Donohue, Francis, Grant, Mardesich, Matson, Ridder, Wilson and Woody. On motion of Senator Odegaard, Senators Beck, Donohue, Francis, Grant, Rasmussen, Wilson and Woody were excused. On motion of Senator Lewis, Senator Matson was excused.

The Color Guard, consisting of Pages Brenda Almy and Douglas Wicklund, presented the Colors. Reverend David S. Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"FATHER, WE KNOW THAT YOU ARE HERE WITH US THIS BEAUTIFUL MORNING. WE DARE TO BELIEVE THAT YOU CARE FOR EACH ONE OF US AS PERSONS. SO WE LEAN UPON YOUR WISDOM FOR GUIDANCE AND UPON YOUR LOVE FOR STRENGTH. IN THE PRESS OF THESE LAST DAYS OF THIS SESSION, WE PRAY THAT THE IMPORTANT THINGS ARE KEPT JUST AS MUCH IN FOCUS AS THAT WHICH IS URGENT. FATHER, LEAD US THROUGH THIS DAY. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

June 8, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 448 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 8, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 743 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 8, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 656 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

June 8, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1133 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

SECOND READING

SENATE BILL NO. 2086, by Senators Walgren and Matson (by Executive request of Governor Evans):

Establishing salaries for certain state elected officials and members of the judiciary.

MOTION

On motion of Senator Walgren, Senate Bill No. 2086 was rereferred to the Committee on Rules.

MOTION

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

MOTION

On June 8, 1977, on motion of Senator von Reichbauer, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2460 and on motion of Senator Mardesich, the bill was held for further consideration on June 9, 1977.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2460, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2460, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; nays, 7; absent or not voting, 4; excused, 8.

Voting yea: Senators Bausch, Benitz, Bluechel, Buffington, Day, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Keefe, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Odegaard, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn—29.

Voting nay: Senators Clarke, Jones, Newschwander, Peterson, Pullen, Scott, Wanamaker—7.

Absent or not voting: Senators Bottiger, Mardesich, North, Ridder—4.

Excused: Senators Beck, Donohue, Francis, Grant, Matson, Rasmussen, Wilson, Woody—8.

ENGROSSED SENATE BILL NO. 2460, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

REPORT OF FREE CONFERENCE COMMITTEE

June 4, 1977.

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1133, authorizing certain golfing sweepstakes under gambling act, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Van Hollebeke, Morrison and Bausch; Representatives Warnke, Conner and Fancher.

MOTIONS

On motion of Senator Jones, Senator North was excused.

On motion of Senator Odegaard, Senators Mardesich and Fleming were excused.

Senator Van Hollebeke moved the report of the Free Conference Committee on Engrossed House Bill No. 1133 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Would Senator Morrison yield to a question? Could you enumerate some of those recommendations of the gambling commission that are contained in the bill as it now stands?"

Senator Morrison: "Senator Pullen, I don't have the copy directly in front of me. Essentially there were some areas where they had asked for tighter control. It is basically in the area of auditing books, of monitoring gambling that has already been licensed and approved by the commission. They have found certain areas, for instance, where there is no need for them to follow the details, particularly in private clubs where their membership is limited by membership in the club. Those organizations seem to provide limits of their own.

"In other areas they are providing better liaison with the local police, law enforcement officers, that sort of thing. So as far as I am concerned, it is essentially an improvement of the administrative procedures under which they must operate, and a tightening in many areas."

The motion by Senator Van Hollebeke carried and the Senate adopted the report of the Free Conference Committee on Engrossed House Bill No. 1133.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1133, as amended by the Free Conference Committee, and the bill failed to pass the Senate by the following vote: Yeas, 25; nays, 10; absent or not voting, 3; excused, 10;

Voting yea: Senators Bausch, Benitz, Buffington, Clarke, Day, Gaspard, Henry, Herr, Jones, Keefe, Lewis, Marsh, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Sandison, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Wojahn—25.

Voting nay: Senators Bluechel, Goltz, Gould, Guess, Pullen, Ridder, Scott, Van Hollebeke, Washington, Wilson—10.

Absent or not voting: Senators Böttiger, Hayner, McDermott—3.

Excused: Senators Beck, Donohue, Fleming, Francis, Grant, Mardesich, Matson, North, Rasmussen, Woody—10.

ENGROSSED HOUSE BILL NO. 1133, as amended by the Free Conference Committee, having failed to receive the constitutional sixty percent majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Van Hollebeke moved the Senate immediately reconsider the vote by which Engrossed House Bill No. 1133, as amended by the Free Conference Committee, failed to pass the Senate.

MOTION

On motion of Senator Marsh, the motion for reconsideration by Senator Van Hollebeke was made a special order of business for 12:00 noon today.

MOTION

On motion of Senator Jones, Senator Scott was excused.

MESSAGE FROM THE HOUSE

June 8, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2451, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

May 27, 1977.

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2451, as amended by the House, allowing for a longer appeal period from actions of county boards of equalization, have had the same under consideration, and we recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Rasmussen, Marsh and Morrison; Representatives Sommers, Knedlik and Winsley.

MOTION

On motion of Senator Morrison, the report of the Free Conference Committee on Engrossed Senate Bill No. 2451 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2451, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 3; excused, 10.

Voting yea: Senators Bausch, Benitz, Bluechel, Buffington, Clarke, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, Peterson, Pullen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—35.

Absent or not voting: Senators Bottiger, Day, Odegaard—3.

Excused: Senators Beck, Donohue, Fleming, Francis, Grant, Matson, North, Rasmussen, Scott, Woody—10.

Engrossed Senate Bill No. 2451, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

June 6, 1977.

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 656, as amended by the Senate, mandating certain public agencies make surplus books, equipment, etc., available at depreciated cost to private schools, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Grant, Keefe and Murray; Representatives O'Brien, Heck and Whiteside.

MOTION

On motion of Senator Lewis, Senator Gould was excused.

MOTION

On motion of Senator Murray, the report of the Free Conference Committee on Substitute House Bill No. 656 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 656, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 1; absent or not voting, 3; excused, 11.

Voting yea: Senators Bausch, Bluechel, Buffington, Clarke, Day, Gaspard, Goltz, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, Peterson, Pullen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn—33.

Voting nay: Senator Walgren—1.

Absent or not voting: Senators Benitz, Bottiger, Odegaard—3.

Excused: Senators Beck, Donohue, Fleming, Francis, Gould, Grant, Matson, North, Rasmussen, Scott, Woody—11.

SUBSTITUTE HOUSE BILL NO. 656, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Jones: "Would Senator Wilson yield to a question? You are very strong, I know, on public disclosure, and I just wondered if you could guide me in whether I will have to declare this on my C—whatever it is?"

Senator Wilson: "Senator, there is no need to declare the apple. There is only the need to be a little more considerate of districts such as Tonasket when we address the question of school funding."

Senator Jones: "I asked for that, didn't I?"

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 952, by Committee on Transportation (originally sponsored by Representatives Conner, Gilleland and Gallagher):

Bringing state motor vehicle equipment standards into conformity with federal standards.

The Senate resumed consideration of Substitute House Bill No. 952. On June 4, 1977, on motion of Senator Guess, the committee amendments were not adopted. On June 6, 1977, the following amendment by Senators Grant, Francis, Goltz, Pullen, Bausch and Van Hollebeke was moved for adoption and a Point of Order was raised by Senator Talley:

On page 44, line 8 after "RCW 46.37.370." insert: "Sec. 55. Section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530 are each amended to read as follows:

(1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle.

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment.

~~((c) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.))~~

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields and protective helmets (~~required in this section~~). The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved.

Sec. 56. Section 10, chapter 232, Laws of 1967 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment.

~~((No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained.))"~~

Renumber the remaining sections consecutively.

RULING BY THE PRESIDENT

President Cherberg: "Senator Talley has raised the point of order that the amendment changes the scope and object of the measure.

"In ruling upon the point of order presented by Senator Talley, the President finds that Substitute House Bill Number 952 is a broad measure dealing with equipment standards for motor vehicles with which the operators of such vehicles must comply. The bill contains a number of specific references to standards affecting the operation of motorcycles.

"The amendment proposed by Senator Grant deals with the present requirement that the operators of motorcycles and motordriven cycles wear helmets while operating these vehicles.

"The President therefore finds the amendment does not expand the scope and object of the bill, and the point of order is not well taken."

The amendment was ruled in order.

Debate ensued.

MOTION

On motion of Senator Marsh, Senator Odegaard was excused.

Further debate ensued.

Senator Talley demanded a roll call and the demand was sustained by Senators Goltz, Henry, Walgren, Buffington, Jones, Pullen, Marsh, Fleming and Bausch.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Grant, Francis, Goltz, Pullen, Bausch and Van Hollebeck.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 15; excused, 7.

Voting yea: Senators Bausch, Benitz, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, McDermott, Morrison, Murray, North, Peterson, Pullen, Sellar, Van Hollebeck, von Reichbauer, Wanamaker, Washington, Wilson—26.

Voting nay: Senators Beck, Bluechel, Bottiger, Buffington, Gaspard, Jones, Mardesich, Marsh, Monohon, Newschwander, Ridder, Sandison, Talley, Walgren, Wojahn—15.

Excused: Senators Donohue, Francis, Matson, Odegaard, Rasmussen, Scott, Woody—7.

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

On page 3, line 25, after "applicable." insert:

"(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway."

Renumber remaining subsections consecutively.

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

On page 38, line 22, after "vehicle" and before "while" insert "on a public highway"

On motion of Senator Grant, the following amendment by Senators Grant, Francis, Goltz, Pullen, Bausch and Van Hollebeck to the title was adopted:

On page 3 of the title, line 1, after "RCW 46.37.370;" insert: "amending section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530; amending section 10, chapter 232, Laws of 1967 and RCW 46.37.535;"

On motion of Senator Henry, the rules were suspended, Substitute House Bill No. 952, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 952, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays 12; excused, 7.

Voting yea: Senators Bausch, Benitz, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, McDermott, Monohon, Morrison, Murray, North, Peterson, Pullen, Sandison, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson—29.

Voting nay: Senators Beck, Bluechel, Bottiger, Buffington, Gaspard, Mardesich, Marsh, Newschwander, Ridder, Talley, Walgren, Wojahn—12.

Excused: Senators Donohue, Francis, Matson, Odegaard, Rasmussen, Scott, Woody—7.

SUBSTITUTE HOUSE BILL NO. 952, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 217, by Committee on Insurance (originally sponsored by Representatives Charnley, Newhouse, Knowles, Knedlik, Monohon and Grier):

Increasing insurance coverage required for auto transportation companies to obtain certificate of operation.

MOTIONS

On motion of Senator Guess, the rules were suspended, Substitute House Bill No. 217 was returned to second reading.

On motion of Senator Guess, the following amendments were adopted:

On page 1, line 18, strike "twelve" and insert "sixteen"

On page 1, line 20, strike "thirteen" and insert "seventeen"

On motion of Senator Bluechel, the rules were suspended, Substitute House Bill No. 217, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 217, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Excused: Senators Donohue, Francis, Matson, Odegaard, Rasmussen, Scott, Woody—7.

SUBSTITUTE HOUSE BILL NO. 217, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391, by Committee on Social and Health Services (originally sponsored by Representatives Pearsall, Newhouse, Hanna and Lux):

Regulating audiologists and speech pathologists.

REPORT OF STANDING COMMITTEE

May 2, 1977.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391, regulating audiologists and speech pathologists (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 26, strike "represent" and insert "advertise"

On page 4, line 29, after "appointed" strike the comma, insert a period and strike the balance of the sentence

On page 5, line 27, strike "shall" and insert "may"

On page 5, line 29, after "practice," insert "minimum standards of equipment and procedures,"

On page 5, line 32, strike "shall" and insert "may"; strike "hearings" and insert "meetings" and after "and" insert "shall"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Buffington, Francis, Gould, McDermott, Monohon.

The bill was read the second time by sections.

On motion of Senator Buffington, the committee amendments were adopted.

MOTION

Senator Beck moved Engrossed Second Substitute House Bill No. 391, as amended, be held for consideration at the end of today's second reading calendar.

MOTION

On motion of Senator North, Engrossed Second Substitute House Bill No. 391, as amended, was made a special order of business for 3:00 p.m. today.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 3097, by Committee on Ways and Means (originally sponsored by Senator Benitz):

Relating to vocational education.

The Senate resumed consideration of Senate Bill No. 3097. On June 7, 1977, Senator Odegaard moved adoption of the following amendments by Senators Odegaard, Scott, Sandison, Goltz, Guess, Benitz, Donohue and Newschwander adding a new section 8:

On page 3, following line 4 insert a new section to read as follows:

"NEW SECTION. Sec. 8 There is hereby established a commission for vocational education comprised of ~~((seven))~~ five members, each of which shall be a voting member. The chairman shall be ~~((a citizen member))~~ chosen by a majority of its members pursuant to its bylaws. ~~((Five citizen))~~ The members shall be appointed by the governor and confirmed by the state senate. ~~((The superintendent of public instruction and the director of the state board for community college education shall serve as the remaining two members.))~~ In making ~~((citizen))~~ member appointments

initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons well versed regarding vocational and occupational needs of management, labor, and agriculture.

"(~~The initial citizen appointments shall be for periods of one, two, three, four, and five years. Thereafter such citizen m~~) Members shall serve for terms of five years. No (~~citizen~~) shall be eligible to serve who is a member of a state or local educational agency, board, council or commission, or who is employed by a common school or institution of higher education.

(~~Four~~) Three members shall constitute a quorum, and no action shall be taken by less than (~~four~~) three affirmative votes."

Remember the remaining sections consecutively.

POINT OF ORDER

Senator Grant: "Point of order on the amendment. Mr. President, I raise the point of order that the amendment by Senator Odegaard changes the scope and object of the bill.

"Mr. President, the measure before us, 3097, although rather a broad title, deals solely with bonding for capital construction, and it is limited to a capital construction program. This is not a closely related amendment. This changes the composition of the commission for vocational education, reduces the number. It talks to making the superintendent of public instruction and the head of the community college board non-voting members of that commission. It really has nothing to do with the bonding provisions for a prior service training center that it contemplates to be constructed."

Debate ensued.

MOTION

On motion of Senator Marsh, Second Substitute Senate Bill No. 3097, together with the amendment by Senators Odegaard, Scott, Sandison, Goltz, Guess, Benitz, Donohue and Newschwander and the Point of Order raised by Senator Grant, was made a special order of business for 11:50 a.m. today.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449, by Committee on Appropriations (originally sponsored by Representatives Erickson, Salatino, Sherman, Maxie, Pruitt, Nelson (Dick), Williams, Gruger, Lee, Knedlik, Lux and Valle) (by Governor Ray request):

Establishing a state women's commission.

MOTION

On motion of Senator Day, Engrossed Second Substitute House Bill No. 449 was made a special order of business for 2:00 p.m., June 10, 1977.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3, by Committee on Revenue (originally sponsored by Representatives Kilbury, Boldt and Oliver):
Taxing federal nuclear power generators.

MOTION

On motion of Senator Bottiger, Substitute House Bill No. 3 was ordered held as a special order of business for 3:15 p.m. on June 10, 1977.

MOTION

At 11:25 a.m., on motion of Senator Marsh, the Senate recessed until 12:20 p.m.

NOON SESSION

The President called the Senate to order at 12:20 p.m.

SPECIAL ORDER OF BUSINESS

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 3097, by Committee on Ways and Means (originally sponsored by Senator Benitz):
Relating to vocational education.

The time having arrived, the Senate resumed consideration of Second Substitute Senate Bill No. 3097. Earlier today, Senator Grant had raised a Point of Order on the amendment by Senators Odegaard, Scott, Sandison, Goltz, Guess, Benitz, Donohue and Newschwander adding a new section 8.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Grant, the President finds that Second Substitute Senate Bill 3097 is a measure which authorizes the state finance committee to issue general obligation bonds for the construction of the state fire service training center.

"The amendment proposed by Senator Odegaard deals with the membership of the commission for vocational education.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTIONS

On motion of Senator Lewis, Senators Jones and Sellar were excused.

On motion of Senator Bottiger, the rules were suspended, Second Substitute Senate Bill No. 3097 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 3097, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Peterson, Pullen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

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

Excused: Senators Francis, Jones, Matson, Odegaard, Rasmussen, Scott, Sellar, Woody—8.

SECOND SUBSTITUTE SENATE BILL NO. 3097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the motion for reconsideration by Senator Van Hollebeke on the failure of the Senate to pass Engrossed House Bill No. 1133, as amended by the Free Conference Committee.

Debate ensued.

The motion by Senator Van Hollebeke carried and the Senate moved to reconsider the vote by which Engrossed House Bill No. 1133, as amended by the Free Conference Committee, failed to pass the Senate.

MOTION

On motion of Senator Marsh, Engrossed House Bill No. 1133, as amended by the Free Conference Committee, was held for reconsideration on June 10, 1977.

MOTION FOR RECONSIDERATION

The Senate resumed consideration of the motion for reconsideration by Senator Van Hollebeke on June 8, 1977 on the failure of Substitute House Bill No. 1203, as amended by the Senate, to pass the Senate.

The motion by Senator Van Hollebeke carried and the Senate moved to reconsider the vote by which Substitute House Bill No. 1203 as amended by the Senate, failed to pass the Senate.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 1203, as amended by the Senate, was held for reconsideration on June 10, 1977.

MOTION FOR RECONSIDERATION

The Senate resumed consideration of the motion for reconsideration by Senator Morrison on June 8, 1977 on the failure of Substitute House Bill No. 255, as

amended by the Senate, to pass the Senate.

The motion by Senator Morrison carried and the Senate moved to reconsider the vote by which Substitute House Bill No. 255, as amended by the Senate, failed to pass the Senate.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 255, as amended by the Senate, was held for reconsideration on June 10, 1977.

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

SPECIAL ORDER OF BUSINESS

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3, by Committee on Revenue (originally sponsored by Representatives Kilbury, Boldt and Oliver):

Taxing federal nuclear power generators.

The time having arrived, the Senate commenced consideration of Substitute House Bill No. 3.

REPORT OF STANDING COMMITTEE

May 25, 1977.

SUBSTITUTE HOUSE BILL NO. 3, taxing federal nuclear power generators (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 13, strike all of subsection (7) and insert the following:

"(7) "Impacted area" for a thermal electric generating facility on a federal reservation means that area in the state lying within thirty-five statute miles of the most commonly used entrance of the federal reservation and which is south of the southern boundary of township fifteen north."

On page 5, beginning on line 20, strike all of subsections (a) and (b) and insert the following:

"(a) Two percent to the state general fund for administrative costs; and

(b) Thirty-seven percent to the state general fund for the support of schools; and

(c) Twenty-seven percent to the counties, twenty-seven percent to the cities, four percent to the fire protection districts, and three percent to the library districts."

On page 5, line 30, after "the" and before "area" strike "impact" and insert "impacted"

On page 5, line 33, after "the" strike the rest of the sentence and insert "remaining local districts."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Fleming, Grant, Marsh, Rasmussen, Ridder, Scott, Walgren, Washington.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendment to page 2 was adopted.

Senator Bottiger moved adoption of the committee amendment to page 5, beginning on line 20.

Debate ensued.

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 3, together with the adopted committee amendment and the pending committee amendments, was ordered held for the second reading calendar June 10, 1977.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 138, by Committee on State Government (originally sponsored by Representatives Eng, Lux, Pardini, Maxie, Blair, Greengo, Hanna, Salatino and Shinoda) (by commission on Asian-American Affairs request):

Continuing the Washington state commission on Asian-American affairs until June 30, 1983.

The Senate resumed consideration of Engrossed Substitute House Bill No. 138. On June 4, 1977, the committee amendments were adopted.

On motion of Senator Fleming, Engrossed Substitute House Bill No. 138, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Morrison: "Would Senator Fleming yield to a question? Senator Fleming, we have had before us on the calendar for a period the measure that would create the new minority commission, and I understood some of these were going to be umbrella'd under that particular commission. What is the status of that measure, and are we complicating factors by extending the life of this commission?"

Senator Fleming: "I don't know if I can truly speak to the complete status of that measure. I am not the one to do that. The chairman is not here, but I can speak to the fact of whether we are complicating matters.

"From my understanding, even under that measure the commission would still be in effect. There would be a need for the commission, there would be some administrative changes where they could all be under the umbrella of the government. At this point in time my understanding is that the Governor is still in communication with Senator Rasmussen on that measure and that measure might be passed this session or it might be held over to January. That is the understanding I have, but I don't think that this would complicate matters."

Senator Morrison: "Would the funds that are appropriated, a hundred and five thousand dollars plus in this particular measure, be transferred to the new commission if it takes over administration of all of them?"

Senator Fleming: "I think that the funds would still be used to run this commission. I think that in terms of an umbrella, I think that there would be a change there in the Governor having her hand over everything, but I don't think the basic operation of the commission would be changed with this appropriation. I think it would still be the same."

POINT OF INQUIRY

Senator Lewis: "Yes, Mr. President. Senator Fleming, I think that if the Governor's reorganization bill does pass, and there is a citizen's affairs commission, I think the status would change and I think the whole thing is related, and I really think that we should know what we are going to do with that bill, if anything, before we deal with any of these commissions because that is an umbrella that encompasses a number of commissions. I share with you—personally, I do not favor the extension of the commission, so you know where I am coming from, but if we are going to have one I think that the reorganization plan should be looked at so we see how they all fit together instead of doing a piecemeal job, really, on this."

Senator Fleming: "I think at this point in time if that was going to be the case, Senator Lewis, I think that the Governor would have indicated that we shouldn't pass this measure, and I think that, one, at the point in time I can't speak to the status of that measure."

Senator Lewis: "Mr. President—"

Senator Fleming: "Maybe Senator—I have not been following this measure, maybe Senator Ridder can speak more to your question"

Senator Lewis: "I will wait for Senator Ridder then."

REMARKS BY SENATOR RIDDER

Senator Ridder: "Mr. President and Senator Lewis, you will note that Senate Bill 2559 has been held on the Senate calendar for some considerable period of time. Hopefully, we are winding down this session, and one of the reasons that bill has been held is because there are severe problems with the terminology in it and with the direction of that bill.

"It would be my impression that because of the time limitations, that it is unlikely that that particular bill will pass. I would suggest that there are many who think the objectives of that bill are good, but that the form in which it has been presented is somewhat wanting and that it would be an appropriate matter to be studied by the state government committee during the interim and to be presented to this legislature next January when, presumably, we will be reconvening."

Debate ensued.

MOTION

Senator Newschwander moved that Engrossed Substitute House Bill No. 138, as amended by the Senate, be held on the third reading calendar for June 10, 1977.

Debate ensued.

The motion by Senator Newschwander failed.

Further debate ensued.

POINT OF INQUIRY

Senator North: "Will Senator Fleming yield to a question? There has been a great deal of discussion here and very little about what this commission actually does, and I am asking you a question. I note in the digest that one of the reasons for continuation of the commission is to work with the Vietnamese refugees in solving some of their particular problems. Could you give us a little information about what this commission is actually doing as far as the Vietnamese refugees are concerned?"

Senator Fleming: "Senator North, I think I am the wrong one to answer that question because I am not that involved, but speaking generally, in terms of the Asian commission or any of the other commissions, whether it is the women's commission or whatever it is, there are particular problems that are various for these particular groups whether it is minorities or women's or whatever it is to be able to receive the kinds of services, the rights that we all have under the Constitution, as Senator Day said. I think it is these kinds of commissions that can deal with those problems. It is these people that work on these commissions that are able to help resolve these problems.

"As far as the Vietnamese are concerned, I am sure that as it relates to them coming here, adjusting to American society, they are not able to speak maybe the language as well. There are a lot of things that we all are able to do to get along in our daily lives in making a living, in going to school and in just dealing with the community in general. I think that these are some of the things that these commissions do.

"Secondly, I think they move on further and look at institutions as a whole. There are areas that are set up that hinder one from, say, getting jobs and hinder one from getting housing. These commissions can deal in those areas, whereas if they did not have that kind of help, I think that we would be going further and further away from that so-called American dream that Senator Lewis is talking about.

"Hopefully some time in the future, we won't need an Asian-American commission. We won't need a women's commission, a Mexican-American commission. We won't need any of these because we all will be treated equally under the laws of this state and the United States, so I urge your adoption."

Senators Talley, Walgren and Marsh demanded the previous question and the demand was sustained.

PERSONAL PRIVILEGE

Senator Clarke: "Just a short matter of personal privilege, if I may. I just wanted to observe that we have gotten into a habit here, I think, under the question and answer situation where, instead of in reality, answers being made, we have what amounts to arguments on the merits of bills, and these are very extended, and unless some corrective measures are taken by way of editing the Journal, I think we are going to have just too voluminous a Journal of the Senate, and I would appreciate the comments of the majority leader in that connection."

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, responding to Senator Clarke, I think that he is absolutely correct, and from time to time we have to call attention to the membership with regard to this. I might say that while the answers sometimes cause the problem to which you have referred, the questions very often do the same thing, too, and there is an attempt very often to have a question that makes an argument rather than really asks a question, so I would certainly appreciate the cooperation of all of the members, particularly since we are trying to get out of here tonight."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 138, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 8; absent or not voting, 5; excused, 8.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Buffington, Day, Fleming, Gaspard, Goltz, Grant, Herr, Keefe, Marsh, McDermott, Monohon, Morrison, North, Peterson, Pullen, Ridder, Sandison, Talley, von Reichbauer, Walgren, Washington, Wilson, Wojahn—27.

Voting nay: Senators Benitz, Clarke, Guess, Hayner, Lewis, Newschwander, Van Hollebeke, Wanamaker—8.

Absent or not voting: Senators Donohue, Gould, Henry, Mardesich, Murray—5.

Excused: Senators Francis, Jones, Matson, Odegaard, Rasmussen, Scott, Sellar, Woody—8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 138, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 186, by Representatives Keller, King, Kreidler, Smith, Burns, Owen and Vrooman:

Permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns.

The Senate resumed consideration of House Bill No. 186 on second reading. The bill was amended on March 4, 1977 and on June 8, 1977 was returned to second reading by Senator Grant.

MOTIONS

Senator Talley moved the Senate reconsider adoption of an amendment to page 1, line 13.

On motion of Senator Mardesich, House Bill No. 186, as amended by the Senate, was ordered held on the second reading calendar for June 10, 1977 on a rising vote.

SECOND READING

ENGROSSED HOUSE BILL NO. 365, by Representatives Lysen, Sherman and Knedlik:

Requiring total life-cycle cost analysis of proposed action by governmental unit or agency.

The Senate resumed consideration of Engrossed House Bill No. 865. On June 4, 1977 the committee amendment was adopted. Senator Rasmussen had moved adoption of the following amendment by Senators Rasmussen, Bottiger and Morrison and Senator Washington raised a Point of Order on the amendment:

On page 2, after line 6 add a new paragraph to read as follows:

"As used in this subsection a major action means any proposal for any ordinance, resolution, or rule having the force of law and any proposal for any public project."

Debate ensued.

MOTION

On motion of Senator Walgren, Engrossed House Bill No. 365, together with the adopted committee amendment and the amendment by Senators Rasmussen, Bottiger and Morrison and the Point of Order raised by Senator Washington on June 4, 1977, was ordered held on the second reading calendar for June 10, 1977.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449, by Committee on Appropriations (originally sponsored by Representatives Erickson, Salatino, Sherman, Maxie, Pruitt, Nelson (Dick), Williams, Gruger, Lee, Knedlik, Lux and Valle) (by Governor Ray request):

Establishing a state women's commission.

REPORT OF STANDING COMMITTEE

May 19, 1977.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449, establishing a state women's commission (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 3, after "two" strike "hundred eleven thousand four hundred twenty" and insert "thousand"

On page 4, beginning on line 8, strike all of Section 13.

In line 3 of the title strike "adding a new section to chapter 43.115 RCW;"

In line 4 of the title after "providing" strike "expiration dates" and insert "an expiration date"

In line 5 of the title after "commission" strike all of the material down to and including "commission" on line 6

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Woody.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendment to page 4, line 3 by the Committee on Ways and Means was adopted.

On motion of Senator Ridder, the committee amendment to page 4, beginning on line 8 by the Committee on State Government was adopted.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Lewis, Hayner and Benitz:

On page 3, line 13, after "may" strike "establish such relationships with" and replace with "make recommendations to"

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Would Senator Ridder yield to a question? Senator Ridder, for the record, could you give us some illustrations of what the words 'establish such relationships with' in line 13, section 7 of the bill are intended to include?"

Senator Ridder: "It would be my understanding that that would enable members of the commission or their designees, and that is, because members are not intended to be the only participants, but to be able to conduct studies, to work in association with committees of other groups such as labor organizations, public bodies such as the state department of personnel, those from other states, California Commission on the Status of Women, Washington commission on the humanities, et cetera."

There being no objection, on motion of Senator Pullen, the amendment was withdrawn.

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

On page 3, line 29, after "functions" insert "authorized by this chapter"

On motion of Senator Ridder, the committee amendments by the Committee on State Government to the title were adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed Second Substitute House Bill No. 449, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Mr. President, would Senator Ridder yield to a question, please? Senator Ridder, this is for the record. On page 3, line 9, the subsection 4 reads, 'Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter.' Could you define what type of assistance and state whether this is assistance in terms of manpower or additional funding from the various agencies or whether it is assistance in making records available so that the agency, so that the woman's commission can have easy access to records?"

Senator Ridder: "I would say it would not be financial assistance and would be manpower only if it were in terms of the objective of that particular agency such as those I have previously named, the department of personnel, employment security, this kind of thing. Essentially it would be for records, probably statistics, in determining perhaps, where there are needs to be addressed—person power."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 449, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 6; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Buffington, Day, Fleming, Gaspard, Goltz, Gould, Grant, Henry, Herr, Keefe, Mardesich, Marsh, McDermott, Monohon, Morrison, North, Peterson, Pullen, Ridder, Sandison, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—32.

Voting nay: Senators Clarke, Guess, Hayner, Lewis, Newschwander, Van Hollebeke—6.

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

Excused: Senators Francis, Jones, Matson, Odegaard, Rasmussen, Scott, Sellar, Woody—8.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ridder, Engrossed Second Substitute House Bill No. 449, as amended by the Senate, was ordered immediately transmitted to the House.

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

MESSAGE FROM THE HOUSE

May 27, 1977.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE BILL NO. 1284 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate refused to recede from the Senate amendment to House Bill No. 1284 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1284 and the Senate amendment thereto: Senators Mardesich, Jones and Van Hollebeke.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 8, 1977.

Mr. President: The House insists on its position regarding ENGROSSED SENATE BILL NO. 2516, and refuses to recede from its amendments to page 3, line 6, and page 3, line 10, and once again asks the Senate to concur thereon, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Gaspard, the Senate refused to recede from its amendments to page 3, line 6 and line 10 and asks the House for a conference thereon.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2460,
SENATE BILL NO. 2493.

MOTION

At 1:40 p.m., on motion of Senator Walgren, the Senate adjourned until 9:00 a.m., Friday, June 10, 1977.

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

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, June 10, 1977.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Buffington, Mardesich, Rasmussen and Woody. On motion of Senator Jones, Senator Buffington was excused. On motion of Senator Marsh, Senators Mardesich, Rasmussen and Woody were excused.

The Color Guard, consisting of Pages Roger Iverson and Gregory Entry, presented the Colors. Reverend David S. Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"O LORD, WE PAUSE FOR A MOMENT TO ACKNOWLEDGE YOUR PRESENCE AMONG US AND TO THANK YOU FOR IT. THE KNOWLEDGE THAT YOU ARE HERE BRINGS A STRENGTH TO OUR HUMAN PROBLEMS. HELP EACH ONE HERE TO KNOW THAT HIS OR HER SERVICE IS VITAL AND IMPORTANT AND APPRECIATED. OFTEN WE HEAR ONLY THE CRITICISM. SO, LIFT UP OUR HEARTS AND OUR MINDS. BLESS THIS DAY TO US AND HELP US USE IT WELL. AMEN."

MOTION

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

MOTION

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

On June 8, 1977, a Message from the House was received asking the Senate to recede from its amendments to House Joint Resolution No. 7. On motion of Senator Grant, the Senate receded from its amendments. On motion of Senator Mardesich, the Senate reconsidered the vote by which the motion to recede carried. At that time, on motion of Senator Mardesich, further action on the House Message was held for a later time.

The Senate resumed consideration of the House Message and the motion by Senator Grant that the Senate recede from the Senate amendments, on reconsideration. There being no objection, on motion of Senator Grant the motion to recede was withdrawn.

Senator Grant moved the Senate not recede from the Senate amendments to House Joint Resolution No. 7 and ask the House for a conference thereon.

Debate ensued.

The motion by Senator Grant carried. The Senate refused to recede from the Senate amendments to House Joint Resolution No. 7 and asks the House for a conference thereon.

MOTION

At 9:20 a.m., on motion of Senator Walgren, the Senate recessed until 11:45 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:45 a.m.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 292.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 292, by Committee on Local Government (originally sponsored by Representatives Valle, Chandler, Thompson and Fischer):

Changing water district comprehensive planning and finance law.

The Senate resumed consideration of Engrossed Substitute House Bill No. 292, as amended by the Senate, on reconsideration. On May 19, 1977, the bill was returned to second reading.

Senator Fleming moved adoption of the following amendment by Senators Fleming, Mardesich and Murray:

On page 10, following line 15, add sections as follows:

"NEW SECTION. Sec. 9. The legislature finds and declares that the present operation of water districts results in deficiencies and problems which may be remedied by a policy of consolidation and standardization of water services. The legislature therefore declares that it is in the public interest and for the protection of the health, safety, and welfare of our residents to herein establish procedures for the assumption by class AA counties of the rights, powers, functions, and obligations of water districts and to thereby provide more efficient and uniform water supply services.

NEW SECTION. Sec. 10. (1) The legislative authority of each class AA county, shall prepare a plan, within one year from the effective date of this amendatory act, for the assumption of the rights, powers, functions, and obligations of the water districts of such county created under Title 57 RCW. The legislative authority shall take into account in its preparation of the plan the policies and standards set forth in RCW 43.20.050 and 57.16.010 as now or hereafter amended and WAC 248-54-280 and 248-54-290 and the recommendations and advice of water district commissioners, and shall confer with bond underwriters, financial consultants, or bond counsel as may be necessary to assure the financial integrity of bond issues.

NEW SECTION. Sec. 11. The assumption of the rights, powers, functions, and obligations of water districts may be initiated by the adoption of an ordinance or a resolution, as the case may be, by the county legislative authority indicating its intention to conduct a hearing concerning assumption of such rights, powers, functions, and obligations in accordance with the plan formulated pursuant to section 10 of this amendatory act. In the event the county legislative authority adopts such an ordinance or a resolution of intention, such ordinance or resolution shall set a time and place at which it will consider the proposed assumption of the rights, powers, functions, and obligations of the water districts, and shall state that all persons interested may appear and be heard. Such ordinance or resolution of intention shall be published for at least four times during the four weeks next preceding the scheduled hearing in newspapers of daily general circulation printed or published in said county.

NEW SECTION. Sec. 12. At the time scheduled for the hearing in the ordinance or resolution of intention, the county legislative authority shall consider the assumption of the rights, powers, functions, and obligations of the water districts of such county, and hear those appearing and all protests and objections to it. The

county legislative authority may continue the hearing from time to time, not exceeding sixty days in all.

NEW SECTION. Sec. 13. If, from the testimony given before the county legislative authority, it appears that the public interest or welfare would be satisfied by the county assuming the rights, powers, functions, and obligations of the water districts, the county legislative authority may declare that to be its intent and assume such rights, powers, functions, and obligations by ordinance or resolution, as the case may be, providing that the county shall be vested with every right, power, function, and obligation currently granted to or possessed by water districts pursuant to Title 57 RCW or other provision of law.

Upon assumption of the rights, powers, functions, and obligations of the water districts by the county, the water districts established pursuant to the provisions of Title 57 RCW shall be abolished, and the county legislative authority shall thereafter be vested with all rights, powers, duties, and obligations otherwise vested by law in water districts: **PROVIDED**, That in any county with a home rule charter such rights, powers, functions, and obligations shall vest in accordance with the executive and legislative responsibilities defined in such charter.

NEW SECTION. Sec. 14. All employees and personnel of the water districts as may be needed shall be assigned to the county personnel system to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the county personnel system.

NEW SECTION. Sec. 15. If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the county budget office shall certify such apportionments to the agencies and local governmental units affected and to the state auditor. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 16. No transfer of any function made pursuant to this chapter shall be construed to impair or alter any existing rights acquired under the provisions of Title 57 RCW or any other provision of law relating to water districts, nor as impairing or altering any actions, activities, or proceedings validated thereunder, nor as impairing or altering any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the assumption of control of any water district function by a county, nor any transfer of rights, powers, functions, and obligations as provided in this chapter, shall impair or alter the validity of any act performed by such water district or division thereof or any officer thereof prior to the assumption of such rights, powers, functions, and obligations by any county as authorized by this chapter.

NEW SECTION. Sec. 17. Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified as provided by law.

NEW SECTION. Sec. 18. All rules and regulations, and all pending business before the water districts transferred pursuant to the provisions of this chapter shall be continued and acted upon by the county.

All existing contracts and obligations of the transferred water districts shall remain in full force and effect, and shall be performed by the county. No transfer authorized in this chapter shall affect the validity of any official act performed by any official or employee prior to the transfer authorized pursuant to this chapter.

NEW SECTION. Sec. 19. When the rights, powers, functions, and obligations of water districts are transferred pursuant to this chapter, all real and personal property owned by the water districts shall become that of the county.

All reports, documents, surveys, books, records, files, papers, or other writings relating to the administration of the powers, duties, and functions transferred pursuant to this chapter and available to any of the water districts shall be made available to the county.

All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the rights, powers, functions, and obligations transferred by this chapter and available to any of the water districts shall be made available to the county.

All funds, credits, or other assets held in connection with powers, duties, and functions herein transferred shall be assigned to the county.

Any appropriations or federal grant made to any water district for the purpose of carrying out the rights, powers, functions, and obligations authorized to be assumed by a county pursuant to this chapter shall on the effective date of such transfer be credited to the county for the purpose of carrying out such transferred rights, powers, functions, and obligations.

NEW SECTION. Sec. 20. The county shall assume and agree to provide for the payment of all of the indebtedness of the water districts including the payment and retirement of outstanding general obligation and revenue bonds issued by the water districts. Until the indebtedness of each water district thus assumed by a county has been discharged, all property within the boundaries of the water districts and the owners and occupants of that property, shall continue to be liable for taxes, special assessments, and other charges legally pledged to pay the indebtedness of the water districts. The county shall assume the obligation of causing the payment of such indebtedness, collecting such taxes, assessments, and charges and observing and performing the other contractual obligations of the water districts. The legislative authority of the county shall act in the same manner as the governing body of the water districts for the purpose of certifying the amount of any property tax to be levied and collected therein, and may cause service and other charges and assessments to be collected from such property or owners or occupants thereof, enforce such collection and perform all acts necessary to ensure performance of the contractual obligations of the water districts in the same manner and by the same means as if the property of the water districts had not been acquired by the county.

When a county assumes the obligation of paying indebtedness of a water district and if property taxes or assessments have been levied and service and other charges have accrued for such purpose but have not been collected by the water district prior to such assumption, the same when collected shall belong and be paid to the county and be used by such county so far as necessary for payment of the indebtedness of the water district existing and unpaid on the date such county assumed that indebtedness. Any funds received by the county which have been collected for the purpose of paying any bonded or other indebtedness of any water district shall be used for the purpose for which they were collected and for no other purpose until such indebtedness has been paid and retired or adequate provision has been made for such payment and retirement. No transfer of property as provided in this chapter shall derogate from the claims or rights of the creditors of the water districts or impair the ability of the water districts to respond to its debts and obligations.

NEW SECTION. Sec. 21. Sections 9 through 20 of this act shall constitute a new chapter in Title 57 RCW."

POINT OF ORDER

Senator Washington: "I raise the question of scope and object on the basis that the proposed amendment to Engrossed Substitute House Bill 292 changes the scope and object of the bill. I think it is so apparent that a very short statement is always necessary. 292 relates merely to changing the operation of a water district's system

so that it has the same powers that a city has in the same type of operation. It relates, one, to having the same type of methods of collecting the water charges. It provides that revenue bonds need not be submitted to a vote in the same way that cities are not required to.

"There is only one real difference. It provides for, in a utility local improvement district, that the notices must specify so that the property owners will know that if owners of forty percent of the area of the property involved wish to do so, that they may stop the local improvement district. It is a very narrow bill.

"The amendment, on the other hand, to 292 is a very sweeping amendment which, in my relatively quick reading of it, would allow counties to completely take over the water districts as they now exist and to operate the water system. It would completely, to all intents and purposes, do away with present water districts. I submit that there should be actually no real controversy that this sweeping amendment does expand the scope and object of the bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order presented by Senator Washington, the President finds that House Bill 292 is indeed a bill changing the water district comprehensive planning and finance law.

"The amendment proposed by Senator Fleming, Senator Mardesich and Senator Murray establishes procedures which would permit the assumption of the powers and obligations of water districts by class AA counties.

"Therefore, the amendment does change the scope and object of House Bill 292, and the point is well taken."

The amendment was ruled out of order.

On motion of Senator Washington, the rules were suspended, Engrossed Substitute House Bill No. 292, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 292, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 44; nays, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—44.

Voting nay: Senator Pullen—1.

Excused: Senators Buffington, Rasmussen, Woody—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 292, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 293, by Committee on Local Government (originally sponsored by Representatives Valle, Chandler, Thompson and Fischer):

Clarifying and changing sewer district finance law.

The Senate resumed consideration of Engrossed Substitute House Bill No. 293. On May 19, 1977 the bill was amended and an amendment by Senator Rasmussen was moved for adoption. A Point of Order was raised by Senator Washington on the amendment.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Washington, the President finds that Substitute House Bill Number 293 relates solely to sewer districts and revises provisions in present law pertaining to sewer district financing. The amendment proposed by Senator Rasmussen is an amendment to the county service act, and does not deal with sewer districts, but rather with the establishment of water systems, sewer systems and drainage systems by counties.

"The President therefore finds that the amendment proposed by Senator Rasmussen expands the scope and object of Substitute House Bill 293, and that the point of order raised by Senator Washington is well taken."

The amendment was ruled out of order.

POINT OF INQUIRY

Senator Pullen: "Mr. President, would Senator Washington yield to a question? I am not sure Senator Washington, that you are the best person to ask to yield to this question, but you seem to be one of the most knowledgeable persons handling this bill.

"My question is related to page 3, section 2, lines 16 and 17 where it says, 'The commissioners may proceed with the improvement to the extent specified or referred to in the proposition.' I am not sure I understand the significance of adding the words 'or referred to'."

Senator Washington: "'Or referred to' becomes necessary because when you establish and put such a proposition out to vote, the proposition on the ballot is a very short title. The title itself then refers you to the overall plan, and so the comprehensive plan, not only could be described by the very short ballot title, but also by the entire proposition that is before the voters."

There being no objection, an amendment by Senators Fleming, Mardesich and Murray on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator Washington, the rules were suspended, Engrossed Substitute House Bill No. 293, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 293, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebecke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senators Grant, Matson, Pullen—3.

Absent or not voting: Senator Donohue—1.

Excused: Senators Buffington, Rasmussen, Woody—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 293, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, by Committee on Financial Institutions (originally sponsored by Representatives Sommers, Pardini, Eng, Polk, Burns, Deccio, Lux, Douthwaite, Taller, O'Brien and Maxie):
Regulating lending practices of financial institutions.

REPORT OF STANDING COMMITTEE

May 9, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, regulating lending practices of financial institutions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Financial Institutions Disclosure Act".

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the following terms when used in this chapter shall have the meanings ascribed to them in this section:

(1) "Application" means a written request for an extension of credit made in accordance with procedures established by a financial institution for the type of credit requested;

(2) "Default" means that a loan payment due on or before the first day of the month preceding the month in which the reporting period ends remains unpaid;

(3) "Financial institution" means any bank or trust company, mutual savings bank, savings and loan association or credit union which operates or has a place of business in this state whether or not regulated by the state or federal government and which has more than ten million dollars in assets, and any mortgage company which operates or has a place of business in this state;

(4) "Foreclosure" means the transfer of title as a result of foreclosure proceedings, a trustee's sale or the giving of a deed in lieu of foreclosure;

(5) "Home improvement loan" means a loan, unsecured or secured by collateral other than a first lien on residential real property, (a) the proceeds of which are to be used for the purpose of repairing, rehabilitating, or remodeling an existing residential dwelling, as stated by the borrower to the financial institution at the time of the loan transaction, and (b) that is recorded on the books of the financial institution as a home improvement loan;

(6) "Neighborhood" means an area designated by a census tract, or where no area has been designed by a census tract, an area designated by a zip code;

(7) "Rejection" means a refusal to commit a loan to a person who has made an application, as defined above;

(8) "Single-family" means a residence consisting of from one to four dwelling units; and

(9) "Multifamily" means a residence consisting of more than four dwelling units.

NEW SECTION. Sec. 3. (1) Beginning on July 1, 1977, each financial institution with a home office or branch within a standard metropolitan statistical area shall file annually with the secretary of state, on or before a date of ninety days after the end of the fiscal year of the institution, for each neighborhood in which said financial institution has received, made, or rejected a loan application when such

neighborhood lies wholly or partially within a standard metropolitan statistical area, a statement, for the loan categories designated in subsection (2) of this section, showing:

(a) The number and aggregate loan amount of owned loans closed subsequent to July 1, 1977, outstanding at the beginning and end of the reporting period: PROVIDED, That this section shall not require reporting of loans closed prior to July 1, 1977;

(b) The number and aggregate loan amount of serviced loans closed subsequent to July 1, 1977, outstanding at the beginning and end of the reporting period: PROVIDED, That this section shall not require reporting of loans closed prior to July 1, 1977;

(c) The number and aggregate dollar amount of applications processed and applications rejected during the reporting period;

(d) The number and amount of loans closed during the reporting period;

(e) The number of foreclosures for the reporting period;

(f) The number of loans in default for the reporting period.

(2) For each of the following loan categories, the information designated in subsection (1) (a) through (f) of this section shall be separately disclosed;

(a) Conventional single-family first mortgages with twenty or more percent down payment;

(b) Conventional single-family first mortgages with less than twenty percent down payment;

(c) Single-family mortgage loans guaranteed under the provisions of the federal Veterans' Benefits Act, Title 38, United States Code, chapter 37, subchapter II;

(d) Single-family mortgage loans insured under the federal National Housing Act, Title 12, United States Code, chapter 13;

(e) Single-family home improvement loans and loans made in accordance with subchapter 1, "Housing Renovation and Modernization", of the National Housing Act, Title 12, United States Code, chapter 13;

(f) Other residential loans including multifamily dwelling loans.

NEW SECTION. Sec. 4. Each statement filed under the provisions of this chapter shall be verified by a certified public accountant or by two officers of the financial institution and shall be filed on forms promulgated by the secretary of state. Wherever possible, the secretary of state shall make the forms consistent with the disclosure forms required to be filed by financial institutions under the Federal Home Loan Mortgage Disclosure Act of 1975.

NEW SECTION. Sec. 5. The secretary of state shall make statements filed under the provisions of this chapter available for public inspection during the regular business hours of his office, and shall provide copies of the statements to any interested person upon payment of a reasonable fee to cover the cost of copying. Each financial institution which has filed a statement shall make a copy of such statements available for public inspection during regular business hours in each office located in a standard metropolitan statistical area.

NEW SECTION. Sec. 6. (1) An institution which is required to file statements by this chapter and which fails to submit a statement on the date required in section 3 of this amendatory act, is guilty of a business offense and shall be fined five hundred dollars or one hundred dollars for each day on which the statement has not been filed after the required date, whichever is greater. The secretary of state shall refer any violation of this subsection to the attorney general for enforcement.

(2) Any person who files or participates in the filing of any statement required by this chapter with knowledge that such statement is false or misleading in any material regard is guilty of a gross misdemeanor pursuant to RCW 9A.20.

NEW SECTION. Sec. 7. To insure and protect the confidential nature of an individual's financial status, no provision of this chapter shall be construed as requiring any institution to divulge the names of individual depositors or mortgagors.

NEW SECTION. Sec. 8. The disclosure provisions of this chapter shall be exclusive and shall supersede all statutes, charter provisions, ordinances, resolutions, regulations, and requirements promulgated by the state or any political subdivision thereof.

NEW SECTION. Sec. 9. The provisions of this chapter shall expire on January 1, 1981.

NEW SECTION. Sec. 10. Sections 11 through 13 of this amendatory act shall be known and may be cited as the "Fairness in Lending Act".

NEW SECTION. Sec. 11. As used in sections 11 through 13 of this amendatory act:

(1) "Financial institution" means any bank or trust company, mutual savings bank, credit union, mortgage company, or savings and loan association which operates or has a place of business in this state whether regulated by the state or federal government.

(2) "Particular type of loan" refers to a class of loans which is substantially similar with respect to the following:

(a) FHA, VA, or conventional as defined in section 3(2) of this amendatory act;

(b) Uniform or nonuniform payment;

(c) Uniform or nonuniform rate of interest;

(d) Purpose; and

(e) The location of the real estate offered as security for the loan as being inside or outside of that financial institution's lending area.

(3) "Varying the terms of a loan" includes, but is not limited to the following practices:

(a) Requiring a greater down payment than is usual for the particular type of a loan involved;

(b) Requiring a shorter period of amortization than is usual for the particular type of loan involved;

(c) Charging a higher interest rate than is usual for the particular type of loan involved;

(d) A deliberate underappraisal of the value of the property offered as security.

NEW SECTION. Sec. 12. Subject to section 13 of this amendatory act, it shall be unlawful for any financial institution, in processing any application for a loan to be secured by a single-family residence to:

(1) Deny or vary the terms of a loan on the basis that a specific parcel of real estate offered as security is located in a specific geographical area, unless building, remodeling, or continued habitation in such specific geographical area is prohibited or restricted by any local, state, or federal law or rules or regulations promulgated thereunder.

(2) Utilize lending standards that have no economic basis.

NEW SECTION. Sec. 13. Nothing contained in sections 11 through 12 of this amendatory act shall preclude a financial institution from considering sound underwriting practices in processing any application for a loan to any person. Such practices shall include the following:

(1) The willingness and the financial ability of the borrower to repay the loan.

(2) The market value of any real estate and of any other item of property proposed as security for any loan.

(3) Diversification of the financial institution's investment portfolio.

Sec. 14. Section 1, chapter 68, Laws of 1959 as amended by section 9, chapter 141, Laws of 1973 and RCW 49.60.175 are each amended to read as follows:

It shall be an unfair practice to use ~~((or require designation of))~~ the sex, race, creed, color, ~~((or))~~ national origin, or marital status of any person ~~((on any document))~~ concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant.

NEW SECTION. Sec. 15. Sections 11 through 13 of this 1977 amendatory act are each added to chapter 30.04 RCW.

NEW SECTION. Sec. 16. Sections 1 through 9 of this amendatory act shall constitute a new chapter in Title 19 RCW."

In the title, strike everything after "institutions;" on line 1 and insert "amending section 1, chapter 68, Laws of 1959 as amended by section 9, chapter 141, Laws of 1973 and RCW 49.60.175; adding a new chapter to Title 19 RCW; adding new sections to chapter 30.04 RCW; prescribing penalties; and prescribing an expiration date."

Signed by: Senators Woody, Chairman; Herr, Mardesich, Walgren.

The bill was read the second time by sections.

Debate ensued.

Senator Jones moved adoption of the committee amendment.

Senator Fleming moved adoption of the following amendments by Senators Fleming, Mardesich and Sandison to the committee amendment:

On page 6 of the printed Senate Committee Amendment, on line 26 after the period insert the following:

"NEW SECTION. Sec. 17. There is added to chapter 122, Laws of 1955 and to chapter 33.48 RCW a new section to read as follows:

Except where inconsistent with the provisions of Title 33 RCW, associations incorporated under chapter 33.48 RCW shall be subject to those provisions in chapter 23A.08 RCW relating to issuance, sale, and repurchase of shares: PROVIDED, HOWEVER, That no association shall change its capital structure without prior written approval of the supervisor: AND, PROVIDED FURTHER, That RCW 33.48.030 notwithstanding, an association may issue shares without par value or preferred or special classes of shares as provided for in chapter 23A.08 RCW.

Sec. 18. Section 74, chapter 235, Laws of 1945 as last amended by section 6, chapter 280, Laws of 1959 and RCW 33.24.170 are each amended to read as follows:

An association may invest a reasonable amount of its funds in real property or leasehold interests therein for use in the transaction of its business when:

(1) The aggregate of its contingent fund, surplus, and undivided profits accounts equals five percent of the aggregate of its savings accounts or when the association meets the reserve requirements of the federal savings and loan insurance corporation;

(2) Its directors, by three-fourths majority vote, approve the making of such investment; and

(3) The total investment in such property does not exceed seven and one-half percent of the aggregate of its savings accounts.

The foregoing restrictions of this section shall not affect existing investments of associations. No association may invest its funds in real property or leasehold interests therein for use in the transaction of its business without the prior written approval of the supervisor.

Any real estate, except that used for the transaction of its business which is not sold by an association within five years from and after the time title is acquired, shall be depreciated at not less than ten percent of the book value at the close of each annual period, unless an extension of time be granted by the supervisor.

Sec. 19. Section 7, chapter 49, Laws of 1967 as amended by section 24, chapter 130, Laws of 1973 and RCW 33.24.230 are each amended to read as follows:

An association may invest its funds in loans upon the security of mobile dwellings used as semi-permanent or permanent housing. Loans made pursuant to this section shall not exceed ~~((ten))~~ twenty percent of the association's assets, except with the written approval of the supervisor.

Sec. 20. Section 8, chapter 49, Laws of 1967 and RCW 33.24.240 are each amended to read as follows:

An association may invest not to exceed ~~((five))~~ ten percent of its assets in secured or unsecured loans for home or property repairs, alterations, improvements or additions, or home furnishings or appliances: PROVIDED, That the principal amount of any such loan shall not exceed ~~((five))~~ ten thousand dollars and shall be repayable in equal monthly installments commencing not more than sixty days after the date of such loan and extending over a payment period of not to exceed ~~((seven))~~ ten years.

Sec. 21. Section 27, chapter 130, Laws of 1973 and RCW 33.24.295 are each amended to read as follows:

An association may also invest not to exceed ~~((five))~~ ten percent of its assets in secured or unsecured loans for any nonbusiness family purposes: PROVIDED, That the principal amount of any such loan shall not exceed ~~((five))~~ ten thousand dollars and shall be repayable in monthly, quarterly, or semiannual installments ~~((commencing not more than sixty days after the date of such loan and))~~ extending over a payment period of not to exceed ~~((seven))~~ ten years."

On page 6 of the printed Senate Committee Amendment, on line 32 after the quotation mark and before "amending" insert "amending section 74, chapter 235, Laws of 1945 as last amended by section 6, chapter 280, Laws of 1959 and RCW 33.24.170; amending section 7, chapter 49, Laws of 1967 as amended by section 24, chapter 130, Laws of 1973 and RCW 33.24.230; amending section 8, chapter 49, Laws of 1967 and RCW 33.24.240; amending section 27, chapter 130, Laws of 1973 and RCW 33.24.295;"

POINT OF ORDER

Senator Guess: Mr. President, this hit us awful fast, and I don't see that this amendment has anything to do with the bill. I can't see the correlation between the two, and because of the lack of correlation and the lack of time to study it, I would raise the scope and object on the amendment."

Debate ensued.

MOTION

On motion of Senator Guess, Engrossed Substitute House Bill No. 323, together with the pending committee amendment, the amendment to the committee amendment by Senators Fleming, Mardesich and Sandison and the Point of Order raised by Senator Guess, was made a special order of business for 2:00 p.m., today.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 105, by Committee on Commerce (originally sponsored by Representatives Warnke, Valle, Greengo, Gaines and Sanders):

Revising a definition in economic development law.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 105 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 105, and the bill passed the Senate by the following vote: Yeas, 45; excused. 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Buffington, Rasmussen, Woody—3.

SUBSTITUTE HOUSE BILL NO. 105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 581, by Committee on Social and Health Services (originally sponsored by Representatives Becker, Hanna, Whiteside, Adams, Shinpoch, May, Pardini, Deccio, Charette, Warnke, Grimm, Thompson, Charney, Hurley (Margaret), Pearsall, Bender, Eng, Hawkins, Chandler and Ehlers):

Providing for the substitution of prescription drugs.

REPORT OF STANDING COMMITTEE

May 4, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 581, providing for the substitution of prescription drugs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 21, after "unless" strike the rest of the section and insert "all savings in the retail price of the prescription are passed to the purchaser. The savings shall be equal to the difference in acquisition costs of the prescribed product and the substituted product."

On page 2, line 25, after "mark-up." insert a new section as follows:

"**NEW SECTION.** Sec. 5. A pharmacist may not substitute a product under the provisions of this section unless the manufacturer has shown that the drug has been manufactured with the following minimum good manufacturing standards and practices:

(1) Maintain quality control standards equal to those of the Food and Drug Administration;

(2) Comply with regulations promulgated by the Food and Drug Administration;

(3) Mark products with identification code or monogram;

(4) Label products with expiration date;

(5) Provide reasonable services to accept return goods that have reached their expiration date;

(6) Maintain twenty-four hour resources for product information;

(7) Maintain recall capabilities for unsafe or defective drugs." and renumber the remaining sections consecutively

On page 3, line 9, after "act" and before the period insert ", including, but not limited to, a list of non-therapeutically equivalent drugs which, when adopted, shall be provided to all registered pharmacists in the state and shall be updated as necessary"

Signed by: Senators Day, Chairman; Goltz, Vice Chairman; Gould, Herr, North, Pullen, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 581, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 581, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—45.

Excused: Senators Buffington, Rasmussen, Woody—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 581, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, Senate Bill No. 3074 was ordered held on second reading for consideration during the afternoon session today or June 11, 1977.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Joint Resolution No. 7, and the Senate amendments thereto: Senators Grant, Pullen and Goltz.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

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

MOTION

On motion of Senator Jones, Senators Gould and Matson were excused.

MESSAGE FROM THE HOUSE

June 7, 1977.

Mr. President: The House insists on its position regarding SUBSTITUTE SENATE BILL NO. 2608 and once again asks the Senate to concur in the House amendment to page 9, line 21, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Francis moved the Senate do concur in the House amendment to page 9, line 21 of Substitute Senate Bill No. 2608.

Debate ensued.

The motion by Senator Francis carried on a rising vote and the Senate concurred in the House amendment to page 9, line 21 of Substitute Senate Bill No. 2608.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2608, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Hayner, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Voting nay: Senators Benitz, Guess, Jones, Newschwander—4.

Absent or not voting: Senator McDermott—1.

Excused: Senators Buffington, Gould, Matson, Rasmussen, Woody—5.

SUBSTITUTE SENATE BILL NO. 2608, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

REPORT OF CONFERENCE COMMITTEE

June 7, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 183, relating to disabled, guardianship proceedings have had the same under consideration, and we report that we cannot agree and request the powers of Free Conference in order to recommend the following: That the Senate amendments not be adopted and the following substitute amendments be adopted:

AN ACT Relating to guardianship; amending section 1, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.005; amending section 11.88.010, chapter 145, Laws of 1965 as amended by section 2, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.010; amending section 11.88.030, chapter 145, Laws of 1965 as amended by section 4, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.030; amending section 11.88.040, chapter 145, Laws of 1965 as last amended by section 5, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.040; amending section 7, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.045; amending section 11.88.090, chapter 145, Laws of 1965 as amended by section 9, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.090; amending section 11.88.100, chapter 145, Laws of 1965 as amended by section 10, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.100; amending section 11.88.107, chapter 145, Laws of 1965 as amended by section 12, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.107; amending section 11.88.120, chapter 145, Laws of 1965 as amended by section 14, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.120; amending section 6,

chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.125; amending section 11.88.140, chapter 145, Laws of 1965 as amended by section 16, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.140; amending section 11.88.150, chapter 145, Laws of 1965 as amended by section 17, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.150; amending section 11.92.040, chapter 145, Laws of 1965 as amended by section 20, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.040; amending section 11.92.125, chapter 145, Laws of 1965 and RCW 11.92.125; amending section 11.92.170, chapter 145, Laws of 1965 as amended by section 32, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.170; adding a new section to chapter 11.92 RCW; and repealing section 8, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.035.

Section 1. Section 1, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.005 are each amended to read as follows:

It is the intent and purpose of the legislature to recognize that ~~((mentally retarded, developmentally disabled, and other allegedly mentally incompetent))~~ disabled persons have special and unique abilities and competencies with varying degrees of disability.

Such persons must be legally protected without the necessity for determination of total incompetency and without the attendant deprivation of civil and legal rights that such a determination requires.

Sec. 2. Section 11.88.010, chapter 145, Laws of 1965 as amended by section 2, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.010 are each amended to read as follows:

(1) The superior court of each county shall have power to appoint guardians for the persons and estates, or either thereof, of incompetent persons ~~((resident of the county))~~, and guardians for the estates of all such persons who are nonresidents of the state but who have property in such county needing care and attention.

An "incompetent" is any person who is either:

(a) Under the age of majority, as defined in RCW 11.92.010, or
 (b) Incompetent by reason of ~~((insanity;))~~ mental illness, ~~((mental retardation))~~ developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his property or caring for himself or both.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of disabled persons, who by reason of their disability have need for protection and assistance, but who cannot be found to be fully incompetent, upon investigation ~~((by the court or any agency jointly designated by the mental health board and mental retardation board (or county social service administrative board where applicable) of the county where such person resides))~~ as provided by RCW 11.88.090 as now or hereafter amended. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and disabilities on a disabled person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incompetent nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

For the purposes of chapters 11.88 and 11.92 RCW the term "disabled person" ~~((includes, but is not limited to, an individual who is mentally retarded, mentally ill, developmentally disabled, or is gravely disabled))~~ means an individual who is in

need of protection and assistance by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, but cannot be found to be fully incompetent.

(3) Venue for petitions for guardianship or limited guardianship shall lie in the county wherein the alleged incompetent or disabled person is domiciled, or if such person is a resident of a state institution for developmentally disabled persons, in either the county wherein such institution is located, the county of domicile, or the county wherein a parent of the alleged incompetent or disabled person is domiciled.

Sec. 3. Section 11.88.030, chapter 145, Laws of 1965 as amended by section 4, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.030 are each amended to read as follows:

(1) Any interested person or entity may file a petition for the appointment of himself or some other qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 as now or hereafter amended as the guardian or limited guardian of an incompetent or disabled person. A petition for guardianship or limited guardianship shall state:

((+)) (a) The name, age, residence, and post office address of the incompetent or disabled person;

((+)) (b) The nature of his alleged incompetency in accordance with RCW 11.88.010;

((+)) (c) The approximate value and description of his property, including any compensation, pension, insurance, or allowance to which he may be entitled;

((+)) (d) Whether there is, in any state, a guardian or limited guardian for the person or estate of the alleged incompetent or disabled person;

((+)) (e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;

((+)) (f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incompetent or disabled person;

((+)) (g) The name and address of the person or institution having the care and custody of the alleged incompetent or disabled person;

((+)) (h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both;

((+)) (i) The nature and degree of the alleged disability and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

((+)) (j) The requested term of the limited guardianship to be included in the court's order of appointment ~~((: PROVIDED, That))~~;

(2) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship ~~((unless))~~ if the petition alleges that the alleged incompetent or disabled person has ~~((an estate valued in excess of fifteen hundred))~~ total assets of a value of less than three thousand dollars.

(3) All petitions filed under the provisions of this section shall be heard within ~~((thirty))~~ forty-five days unless an extension of time is requested by a party within such forty-five day period and granted for good cause shown.

Sec. 4. Section 11.88.040, chapter 145, Laws of 1965 as last amended by section 5, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.040 are each amended to read as follows:

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given personally to the alleged incompetent or disabled person, if over fourteen years of age.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail requesting a return receipt signed by the addressee only, or by personal service in the manner provided for services of summons, to the following:

(1) The alleged incompetent, disabled person, or minor, if under fourteen years of age;

(2) A parent, if the alleged incompetent or disabled person is a minor, and the spouse of the alleged incompetent or disabled person if any;

(3) Any other person who has been appointed as guardian or limited guardian, or the person with whom the alleged incompetent or disabled person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing. If the petition is by a parent asking for his appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition be accompanied by the written consent of a minor of the age of fourteen years or upward, consenting to the appointment of the guardian or limited guardian asked for, or if the petition be by a nonresident guardian of any minor or incompetent or disabled person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given.

~~((In all guardianship and limited guardianship hearings))~~ The alleged incompetent or disabled person shall be present in court at the final hearing on the petition~~((If the petition for guardianship or limited guardianship states that the alleged incompetent or disabled person is physically unable to be present, the guardian ad litem may request the court to waive the requirement of the presence of the alleged incompetent at the hearing))~~: PROVIDED, That this requirement may be waived at the discretion of the court for good cause shown in the report to be provided by the guardian ad litem pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090, as now or hereafter amended, at the discretion of the court for good cause shown by a party. Alternatively, the court may remove itself to the place of residence of the alleged incompetent or disabled person and conduct the final hearing in the presence of the alleged incompetent or disabled person. Final hearings on the petition may be held in closed court without admittance of any person other than those necessary to the action or proceeding.

If presence of the alleged incompetent or disabled person is waived and the court does not remove itself to the place of residence of such person, the guardian ad litem shall appear in person at the final hearing on the petition.

Sec. 5. Section 7, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.045 are each amended to read as follows:

(1) An alleged incompetent or disabled person is entitled to independent legal counsel at his own expense to represent him in the procedure: PROVIDED, That if the alleged incompetent or disabled person is unable to pay for such representation or should such payment result in substantial hardship upon such person the county shall be responsible for such costs: PROVIDED FURTHER, That when, in the opinion of the court, the rights and interests of an alleged or adjudicated incompetent or disabled person cannot otherwise be adequately protected and represented, the court on its own motion shall appoint an attorney at any time to represent such person.

(2) The alleged incompetent or disabled person is further entitled upon request to a jury trial on the issues of his alleged incompetency or disability~~((with))~~. The standard of proof to be applied~~((being))~~ in a contested case, whether before a jury or the court, shall be that of clear, cogent, and convincing evidence.

(3) In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a ((sworn)) medical report in writing from a physician selected by the guardian ad litem appointed pursuant to RCW 11.88.090 as now or hereafter amended pertaining to the alleged incompetent or disabled persons' degree of incompetency or disability((:PROVIDED, That the court may waive the filing of a sworn medical report)) including the medical history if reasonably available, the effects of any current medication on appearance or the ability to participate fully in the proceedings, and a medical prognosis specifying the estimated length and severity of any current disability.

Sec. 6. Section 11.88.090, chapter 145, Laws of 1965 as amended by section 9, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.090 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180, as now or hereafter amended, shall affect or impair the power of any court to appoint a guardian to defend the interests of any incompetent or disabled person interested in any suit or matter pending therein, or to commence and prosecute any suit in his behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incompetent or disabled person, who ((may)) shall be a person ((recommended by either the local mental health board or mental retardation board (or county social service administrative board where applicable), to represent the interests of the alleged incompetent or disabled person in response to any petition for guardianship or limited guardianship)) found or known by the court to

(a) be free of influence from anyone interested in the result of the proceeding;

(b) have the requisite knowledge, training, or expertise to perform the duties required by this section.

In making this determination the court shall give due consideration to the type of incompetency or disability alleged and to any recommendations made to the court by public or private agencies having appropriate experience or expertise: PRO-VIDED, That no guardian ad litem need be appointed if a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child if the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in sub-section (3) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incompetent or disabled person and such appointment shall not overcome the presumption of competency or full legal and civil rights of the alleged incompetent or disabled person.

(3) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incompetent or disabled person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his alleged incompetency or disability, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To provide the court with a written report which shall include the following:

(i) A description of the degree of incompetency or disability;

(ii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought;

(iii) In the event the limited guardianship is ordered, its appropriate duration, and the limits and disabilities to be placed on the disabled person; and

(iv) Any expression of approval or disapproval made by the alleged incompetent or disabled person concerning the proposed guardian or limited guardian or guardianship or limited guardianship.

Such report shall also include a recommendation as to whether or not counsel should be appointed to represent the alleged incompetent or disabled person, and the reasons for such recommendation.

The investigation and report shall be made and forwarded to the court, with copies to the alleged incompetent or disabled person, and his attorney, if any has appeared, and to the petitioner, or his attorney within twenty days after appointment, unless an extension of time has been granted by the court for good cause shown;

(c) To arrange for a written medical report pursuant to RCW 11.88.045 as now or hereafter amended.

(4) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem and any other qualified person or organization to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to RCW 11.88.090(3)(b) as now or hereafter amended.

(5) The court appointed guardian ad litem shall have the authority, in the event that the alleged incompetent or disabled person is in need of emergency ((and)) life-saving medical services, and is unable to consent to such medical services due to ((incapacity)) incompetence or disability pending the hearing on the petition to give consent for such emergency ((and)) life-saving medical services on behalf of the alleged incompetent or disabled person.

(6) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incompetent or disabled person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incompetent or disabled person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public or nonprofit agency.

Sec. 7. Section 11.88.100, chapter 145, Laws of 1965 as amended by section 10, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.100 are each amended to read as follows:

Before letters of guardianship are issued, each guardian or limited guardian shall take and subscribe an oath and, unless dispensed with by order of the court as provided in RCW 11.88.105, file a bond, with sureties to be approved by the court, payable to the state, in such sum as the court may fix, taking into account the character of the assets on hand or anticipated and the income to be received and disbursements to be made, and such bond shall be conditioned substantially as follows:

The condition of this obligation is such, that if the above bound A.B., who has been appointed guardian or limited guardian for C.D., shall faithfully discharge the office and trust of such guardian or limited guardian according to law and shall render a fair and just account of his guardianship or limited guardianship to the superior court of the county of, from time to time as he shall thereto be required by such court, and comply with all orders of the court, lawfully made, relative to the goods, chattels, moneys, care, management, and education of such incompetent or disabled person, or his or her property, and render and pay to such

incompetent or disabled person all moneys, goods, chattels, title papers, and effects which may come into the hands or possession of such guardian or limited guardian, at such time and in such manner as the court may order or adjudge, then this obligation shall be void, otherwise to be and remain in full force and effect.

The bond shall be for the use of the incompetent or disabled person, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one of the obligors, in the name and for the use and benefit of any person entitled by the breach thereof, until the whole penalty is recovered thereon. The court may require an additional bond whenever for any reason it appears to the court that an additional bond should be given.

In all guardianships or limited guardianships of the person, and in all guardianship or limited guardianships of the estate, in which the ~~((inventory filed with the court shows))~~ petition alleges that the alleged incompetent or disabled person has total ~~((accumulated))~~ assets of a value of less than ~~((fifteen hundred))~~ three thousand dollars, the court may dispense with the requirement of a bond pending filing of an inventory confirming that the estate has total assets of less than three thousand dollars: PROVIDED, That the guardian or limited guardian shall swear to report to the court any changes in the ~~((accumulated))~~ total assets of the incompetent or disabled person increasing their value to over ~~((fifteen hundred))~~ three thousand dollars: PROVIDED FURTHER, That said guardian or limited guardian shall file a yearly statement showing the monthly income of the incompetent or disabled person if said monthly income is over the sum of two hundred fifty dollars per month for any three consecutive months.

Sec. 8. Section 11.88.107, chapter 145, Laws of 1965 as amended by section 12, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.107 are each amended to read as follows:

In all cases where a bank or trust company, authorized to act as guardian or limited guardian, or where a nonprofit corporation is authorized under its articles of incorporation to act as guardian or limited guardian, is appointed as guardian or limited guardian, or acts as guardian or limited guardian under an appointment as such heretofore made, no bond shall be required: PROVIDED, That in the case of appointment of a nonprofit corporation court approval shall be required before any bond requirement of this chapter may be dispensed with.

Sec. 9. Section 11.88.120, chapter 145, Laws of 1965 as amended by section 14, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.120 are each amended to read as follows:

The court in all cases shall have power to remove guardians or limited guardians for good and sufficient reasons, which shall be entered of record, and to appoint others in their place or in the place of those who may die, who shall give bond and security for the faithful discharge of their duties as prescribed in RCW 11.88.100 as now or hereafter amended; and when any guardian or limited guardian shall be removed or die, and a successor be appointed, the court shall have power to compel such guardian or limited guardian removed to deliver up to such successor all goods, chattels, moneys, title papers, or other effects belonging to such incompetent or disabled person, which may be in the possession of such guardian or limited guardian so removed, or of the personal representatives of a deceased guardian or limited guardian, or in the possession of any other person or persons, or in the possession of a stand-by guardian or limited guardian and upon failure, to commit the party offending to prison, until he complies with the order of the court.

Sec. 10. Section 6, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.125 are each amended to read as follows:

The person appointed by the court as either guardian or limited guardian of the person and/or estate of an incompetent or disabled person, shall file in writing with the court, a designated stand-by limited guardian or guardian to serve as limited

guardian or guardian at the death or legal incompetency or disability of the court-appointed guardian or limited guardian. Such stand-by guardian or limited guardian shall have all the powers, duties, and obligations of the regularly appointed guardian or limited guardian and in addition shall, within a period of thirty days from the death or adjudication of incompetency or disability of the regularly appointed guardian or limited guardian, file with the superior court in the county in which the ((original)) guardianship or limited guardianship ((was filed)) is then being administered, a petition for appointment of a substitute guardian or limited guardian. Upon the court's appointment of a new, substitute guardian or limited guardian, the stand-by guardian or limited guardian shall make an accounting and report to be approved by the court, and upon approval of the court, the stand-by guardian or limited guardian shall be released from all duties and obligations arising from or out of the guardianship or limited guardianship.

Letters of guardianship shall be issued to the stand-by guardian or limited guardian upon filing an oath and posting a bond as required by RCW 11.88.100 as now or hereafter amended. The oath may be filed prior to the appointed guardian or limited guardian's death. The provisions of RCW 11.88.100 through 11.88.110 as now or hereafter amended shall apply to stand-by guardians and limited guardians.

Sec. 11. Section 11.88.140, chapter 145, Laws of 1965 as amended by section 16, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.140 are each amended to read as follows:

(1) **TERMINATION WITHOUT COURT ORDER.** A guardianship or limited guardianship is terminated:

(a) Upon the attainment of full and legal age, as defined in RCW 11.92.010 as now or hereafter amended, of any person defined as an incompetent or disabled person pursuant to RCW 11.88.010 as now or hereafter amended solely by reason of youth, RCW 26.28.020 to the contrary notwithstanding((:));

(b) By an adjudication of competency((:)) or an adjudication of termination of disability;

(c) By the death of the incompetent or disabled person;

(d) By expiration of the term of limited guardianship specified in the order appointing the limited guardian, unless prior to such expiration a petition has been filed and served, as provided in RCW 11.88.040 as now or hereafter amended, seeking an extension of such term.

(2) **TERMINATION ON COURT ORDER.** A guardianship or limited guardianship may be terminated by court order after such notice as the court may require:

(a) If the guardianship or limited guardianship is of the estate and the estate is exhausted;

(b) If the guardianship or limited guardianship is no longer necessary for any other reason.

(3) **EFFECT OF TERMINATION.** When a guardianship or limited guardianship terminates otherwise than by the death of the incompetent or disabled person, the powers of the guardian or limited guardian cease, except that a guardian or limited guardian of the estate may make disbursements for claims that are or may be allowed by the court, for liabilities already properly incurred for the estate or for the incompetent or disabled person, and for expenses of administration. When a guardianship or limited guardianship terminates by death of the incompetent or disabled person, the guardian or limited guardian of the estate may proceed under RCW 11.88.150 as now or hereafter amended, but the rights of all creditors against the incompetent's or disabled person's estate shall be determined by the law of decedents' estates.

Sec. 12. Section 11.88.150, chapter 145, Laws of 1965 as amended by section 17, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.150 are each amended to read as follows:

Upon the death of an incompetent or disabled person intestate the guardian or limited guardian of his estate has power under the letters issued to him and subject to the direction of the court to administer the estate as the estate of the deceased incompetent or disabled person without further letters unless within forty days after death of the incompetent or disabled person a petition is filed for letters of administration or for letters testamentary and the petition is granted. If the guardian or limited guardian elects to administer the estate under his letters of guardianship or limited guardianship, he shall petition the court for an order transferring the guardianship or limited guardianship proceeding to a probate proceeding, and upon court approval, the clerk of the court shall re-index the cause as a decedent's estate, using the same file number which is assigned to the guardianship or limited guardianship proceeding. The guardian or limited guardian shall then be authorized to continue administration of the estate without the necessity for any further petition or hearing. Notice to creditors and other persons interested in the estate shall be published and may be combined with the notice of the guardian's or limited guardian's final account. This notice shall be published in the manner provided in RCW 11.40.010, once each week for three successive weeks, with proof by affidavit of the publication of such notice to be filed with the court. All claims which are not filed within four months after first publication or within four months after the date of filing of the copy of such notice to creditors with the clerk of the court, whichever is later, shall be barred against the estate. Upon the hearing, the account may be allowed and the balance distributed to the persons entitled thereto, after the payment of such claims as may be allowed. Liability on the guardian's or limited guardian's bond shall continue until exonerated on settlement of his account, and may apply to the complete administration of the estate of the deceased incompetent or disabled person with the consent of the surety. If letters of administration or letters testamentary are granted upon petition filed within forty days after the death of the incompetent or disabled person, the personal representative shall supersede the guardian or limited guardian in the administration of the estate and the estate shall be administered as a decedent's estate as provided in this title, including the publication of notice to creditors and other interested persons and the barring of creditors claims.

Sec. 13. Section 11.92.040, chapter 145, Laws of 1965 as amended by section 20, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.040 are each amended to read as follows:

It shall be the duty of the guardian ((and)) or limited guardian:

(1) To make out and file within three months after his appointment a verified inventory of all the property of the incompetent or disabled person which shall come to his possession or knowledge, including a statement of all encumbrances, liens, and other secured charges on any item((-));

(2) To file annually, within thirty days after the anniversary date of his appointment, and also within thirty days after termination of his appointment, a written verified account of his administration: PROVIDED, That the court in its discretion may allow such reports at intervals of up to thirty-six months, with instruction to the guardian or limited guardian that any substantial increase in income or assets or substantial change in the incompetent's or disabled person's condition shall be reported within thirty days of such substantial increase or change((-));

(3) Consistent with the powers granted by the court, if he is a guardian or limited guardian of the person, to care for and maintain the incompetent or disabled person, assert his or her rights and best interests, and provide timely informed consent to necessary medical procedures, and if the incompetent or disabled person is a

minor, to see that the incompetent or disabled person is properly trained and educated and that the incompetent or disabled person has the opportunity to learn a trade, occupation, or profession. The guardian or limited guardian of the person may be required to report the condition of his incompetent or disabled person to the court, at regular intervals or otherwise as the court may direct((-):). PROVIDED, That no guardian or limited guardian may involuntarily commit for mental health treatment, observation, or evaluation an alleged incompetent or disabled person who is, himself or herself, unable or unwilling to give informed consent to such commitment unless the procedures for involuntary commitment set forth in chapters 71.05 or 72.23 RCW are followed: PROVIDED FURTHER, That nothing in this section shall be construed to allow a guardian or limited guardian to consent to:

(a) Therapy or other procedure which induces convulsion;

(b) Surgery solely for the purpose of psychosurgery;

(c) Amputation;

(d) Other psychiatric or mental health procedures which are intrusive on the person's body integrity, physical freedom of movement, or the rights set forth in RCW 71.05.370.

A guardian or limited guardian who believes such procedures to be necessary for the proper care and maintenance of the incompetent or disabled person shall petition the court for an order unless the court has previously approved such procedure within thirty days immediately past. The court may make such order only after an attorney is appointed in accordance with RCW 11.88.045, as now or hereafter amended, if none has heretofore appeared, notice is given, and a hearing is held in accordance with RCW 11.88.040, as now or hereafter amended;

(4) If he is a guardian or limited guardian of the estate, to protect and preserve it, to apply it as provided in this chapter, to account for it faithfully, to perform all of the duties required of him by law, and at the termination of the guardianship or limited guardianship, to deliver the assets of the incompetent or disabled person to the persons entitled thereto. Except as provided to the contrary herein, the court may authorize a guardian or limited guardian to do anything that a trustee can do under the provisions of RCW 30.99.070 for ~~((periods))~~ a period not exceeding one year from the date of the order((-)) or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer;

(5) To invest and reinvest the property of the incompetent or disabled person in accordance with the rules applicable to investment of trust estates by trustees as provided in chapter 30.24 RCW, except that:

(a) No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government. Such prior order of the court may authorize specific investments, or, in the discretion of the court, may authorize the guardian or limited guardian during a period ~~((of))~~ not exceeding one year following the date of the order or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer, to invest and reinvest as provided in chapter 30.24 RCW without further order of the court((-);).

(b) If it is for the best interests of the incompetent or disabled person that a specific property be used by the incompetent or disabled person rather than sold and the proceeds invested, the court may so order((-);).

(6) To apply to the court for an order authorizing any disbursement on behalf of the incompetent or disabled person ~~((; provided, however))~~: PROVIDED, HOWEVER, That guardian or limited guardian of the estate, or the person, department,

bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, may apply to the court for an order directing the guardian or limited guardian of the estate to pay to the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, or if the guardian or limited guardian of the estate has the care and custody of the incompetent or disabled person, directing the guardian or limited guardian of the estate to apply an amount weekly, monthly, quarterly, semi-annually, or annually, as the court may direct, to be expended in the care, maintenance, and education of the incompetent or disabled person and of his dependents. In proper cases, the court may order payment of amounts directly to the incompetent or disabled person for his maintenance or incidental expenses. The amounts authorized under this section may be decreased or increased from time to time by direction of the court. If payments are made to another under such order of the court, the guardian or limited guardian of the estate is not bound to see to the application thereof.

NEW SECTION. Sec. 14. There is added to chapter 11.92 RCW a new section to read as follows:

No residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an incompetent or disabled person shall be void and of no force or effect.

Nothing in this section shall be construed to require a court order authorizing placement of an incompetent or disabled person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an incompetent or disabled person shall be served, either before or after placement, by the guardian or limited guardian on such person, the guardian ad litem of record, and any attorney of record.

Sec. 15. Section 11.92.125, chapter 145, Laws of 1965 and RCW 11.92.125 are each amended to read as follows:

In connection with the sale, exchange, mortgage, lease, or grant of easement or license in any property, the court may authorize the ~~((personal representative))~~ guardian or limited guardian to pay, out of the proceeds realized therefrom or out of the estate, the customary and reasonable auctioneer's and broker's fees and any necessary expenses for abstracting title insurance, survey, revenue stamps, and other necessary costs and expenses in connection therewith.

Sec. 16. Section 11.92.170, chapter 145, Laws of 1965 as amended by section 32, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.170 are each amended to read as follows:

Whenever it is made to appear that it would be in the best interests of the incompetent or disabled person, the court may order the transfer of property in this state to a guardian or limited guardian of the estate of the incompetent or disabled person appointed in another jurisdiction, or to a person or institution having similar authority with respect to the incompetent or disabled person.

NEW SECTION. Sec. 17. Section 8, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.88.035 are each repealed.

NEW SECTION. Sec. 18. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Signed by: Senators Marsh, Hayner and Francis; Representatives Smith, Sherman and Winsley.

MOTION

On motion of Senator Francis, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 183.

MESSAGE FROM THE HOUSE

June 9, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, and has granted said Committee powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, revising the provisions of the law of compensating victims of crimes, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Francis and Bottiger; Representatives Smith, Newhouse and Knedlik.

MOTION

Senator Francis moved the report of the Free Conference Committee on Engrossed Substitute House Bill No. 353 be adopted.

POINT OF INQUIRY

Senator Guess: "Will Senator Francis yield? Senator Francis, are they now going to be able to take under the act, and also be able to sue? Isn't this a broad departure from what we had in the first place?"

Senator Francis: "Senator Guess, this restricts it somewhat from what was passed by the Senate earlier and sent to the House. Yes, the Senate had decided back when we first passed this that you would not be completely forbidden from suing for negligence if you were covered under this. As you may recall, on the floor we discussed the possibility that the state might be negligent in some instance resulting in some very serious damages to somebody, and this is a very limited amount of help for them. So, the answer is 'yes', this is an extension. Everything we were told indicates that it is probably not going to be a very costly extension,

depending. If the state persisted in things like 'take a lifer to dinner' or letting people walk away from Western State at Steilacoom, there could be the possibility of that kind of recovery against the state, but if so, at least they will have to pay back everything they have lived on in the meantime plus eight percent interest."

The motion by Senator Francis carried and the report of the Free Conference Committee on Engrossed Substitute House Bill No. 353 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 353, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Gaspard, Goltz, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

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

Excused: Senators Buffington, Gould, Matson, Rasmussen, Woody—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 2516 and the House amendments thereto: Senators Grant, Pullen and Goltz.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 12:50 p.m., on motion of Senator Walgren, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE HOUSE

June 9, 1977.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2810, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 9, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 2445,
 SUBSTITUTE SENATE BILL NO. 2502,
 SENATE BILL NO. 2662,
 SENATE BILL NO. 2667,
 SENATE BILL NO. 3068, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2451,
 SUBSTITUTE SENATE BILL NO. 2810.

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

REPORT OF FREE CONFERENCE COMMITTEE

June 1, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, as amended by the Senate, expanding the cemetery board and providing for its abolition in 1979, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Day and Newschwander; Representatives Ehlers, Charette and Nelson (Gary).

MOTION

On motion of Senator Day, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 68 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 68, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 1; absent or not voting, 12; excused, 3.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Keefe, Lewis, Mardesich, Marsh, McDermott, Morrison, North, Pullen, Rasmussen, Ridder, Sellar, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—32.

Voting nay: Senator Van Hollebeke—1.

Absent or not voting: Senators Donohue, Henry, Herr, Jones, Monohon, Murray, Newschwander, Odegaard, Peterson, Sandison, Scott, Talley—12.

Excused: Senators Buffington, Matson, Woody—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

June 10, 1977.

Mr. Speaker;
Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 928, as amended by the Senate, revising energy emergency powers and procedures, have had the same under consideration, and we report that we are unable to agree and request the powers of Free Conference in order to recommend that the Senate amendments be adopted with the following amendments:

Beginning on page 3, after line 26, strike all of section 4 down through line 18 on page 7 and insert:

"Sec. 4. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.040 are each amended to read as follows:

~~((In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter.))~~

(1) ~~The governor may~~~~((upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific))~~ subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers ~~((further enumerated))~~ as set forth in this ~~((section))~~ chapter shall become effective only within the area described in the declaration.

~~((Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session:))~~

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) ~~((The))~~ A condition of ~~((^a))~~energy ~~((supply alert^a))~~ emergency shall terminate ~~((after sixty))~~ forty-five consecutive days after the declaration of such condition unless ~~((a continuing condition of ^aenergy supply alert^a exists, which shall be defined as the occurrence of either of the following: (a) Extension));~~

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply~~((;))~~; or

~~((b))~~ (c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing ~~((condition of ^a))~~energy ~~((supply alert^a))~~ emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

~~((3) The conditions))~~ (4) A condition of ~~((an))~~ energy supply alert or energy emergency shall ~~((alternatively))~~ cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

~~((4))~~ (6) In a ~~((declared state))~~ condition of energy ~~((supply alert))~~ emergency, the governor may, ~~((upon recommendation or approval of the energy advisory council:))~~ as deemed necessary to preserve and protect the public health, safety, and

general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement ((such)) programs, controls, standards, and priorities((~~-and quotas~~)) for the production, allocation, ((conservation;)) and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority ((quota;)) or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of ((~~a declared state~~)) the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor. The emergency powers granted to the governor in this chapter shall expire on June 30, 1980."

On page 13, beginning on line 30, strike all after "members." down to and including the period on line 34 and insert "The chairmen of the senate and house energy and utilities committees shall alternately serve as chairman for one year terms. The chairman of the house committee shall serve as the initial chairman. The chairman may designate another committee member to serve as chairman in his or her absence."

On page 15, line 33 of the amendment, after "of the" and before "condition" on line 34, strike "initial"

On page 16, line 2, after "of the" and before "condition" on line 3, strike "initial"

On page 16, line 3, after "additional" and before "consecutive" strike "thirty" and insert "forty-five"

Signed by: Senators Bottiger, Matson and Bausch; Representatives Lysen and Martinis.

MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 928.

SPECIAL ORDER OF BUSINESS
SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, by Committee on Financial Institutions (originally sponsored by Representatives Sommers, Pardini, Eng, Polk, Burns, Deccio, Lux, Douthwaite, Taller, O'Brien and Maxie):

Regulating lending practices of financial institutions.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 323. Earlier today, the committee amendment had been moved for adoption. An amendment by Senators Fleming, Mardesich and Sandison to the committee amendment had been moved for adoption by Senator Fleming. Senator Guess raised a Point of Order on the amendment to the committee amendment.

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order as raised by Senator Guess, the President finds that Engrossed Substitute House Bill Number 323 relates to the disclosure of mortgage data by financial institutions and to discriminatory lending policies.

"The amendment proposed by Senator Fleming relates to the lending powers of savings and loan associations.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill, and that the point of order raised is well taken."

The amendment to the committee amendment was ruled out of order.

The motion by Senator Jones carried and the committee amendment was adopted.

On motion of Senator Fleming, the committee amendment to the title was adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute House Bill No. 323, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Marsh, Senator Donohue was excused.

On motion of Senator Jones, Senator Matson was excused.

POINT OF INQUIRY

Senator Pullen: "Mr. President, would Senator Fleming yield to a question? Senator Fleming, on page 6, section 14 of the Senate committee amendment, it includes the words 'marital status' as an unfair practice concerning the application of credit in a credit transaction to determine the credit worthiness of the applicant. Is it your understanding of the words 'marital status' that a financial institution would be allowed to consider marital status to the extent necessary to determine the financial soundness of the marital community?"

Senator Fleming: "What I would say to you, Senator Pullen, about the whole context of marital status, it says 'It shall be an unfair practice to use this solely based on sex', the marital status. I don't think just because one is single or married should be the sole determining factor as to whether that individual will be able to get a loan."

Senator Pullen: "But since we live in a community property state, and since the community property team sometimes has to be considered as a team in these financial transactions, there would be nothing to prevent the study of the soundness of this team, would there?"

Senator Fleming: "Well, I don't think there would be anything wrong with studying the soundness of the team. You have to recognize that this is the law now. This is nothing new going in."

Senator Pullen: "The words 'marital status' are new words."

Senator Fleming: "Let's see this here."

Senator Pullen: "That is in line 16, on page 6. The words 'marital status' are added."

Senator Fleming: "I don't think that one would be out of line in terms of looking at the community of marital status as a situation, but I don't think that you can make your sole determination on a factor such as that."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 323, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 11; absent or not voting, 4; excused, 4.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Herr, Keefe, Marsh, McDermott, Monohon, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Guess, Hayner, Jones, Murray, Newschwander, North, Sellar, Wanamaker—11.

Absent or not voting: Senators Henry, Lewis, Mardesich, Scott—4.

Excused: Senators Buffington, Donohue, Matson, Woody—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

June 10, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 697, as amended by the Senate, mandating learning objectives for grades K-12 for statutorily required courses, have had the same under consideration, and we recommend that the Senate amendments be adopted and the bill be passed with the Senate amendments.

Signed by: Senators McDermott, Gould and Gaspard; Representatives Dunlap and Clemente.

MOTION

On motion of Senator Gould, the report of the Conference Committee on Substitute House Bill No. 697 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 697, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, McDermott, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Voting nay: Senators Clarke, Guess, Newschwander—3.

Excused: Senators Buffington, Donohue, Matson, Woody—4.

SUBSTITUTE HOUSE BILL NO. 697, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Walgren, Substitute House Bill No. 1132 will be considered following Engrossed Substitute House Bill No. 1120.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, by Committee on Ecology (originally sponsored by Representative Valle):

Enacting an alternative to Initiative 59.

REPORT OF STANDING COMMITTEE

May 5, 1977.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, enacting an alternative to Initiative 59 (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 14, chapter 117, Laws of 1917 and RCW 90.03.110 are each amended to read as follows:

Upon the filing of a petition with the supervisor of water resources by one or more persons claiming the right to divert any waters within the state or when, after investigation, in the judgment of the supervisor, the interest of the public will be subserved by a determination of the rights thereto, it shall be the duty of the supervisor to prepare a statement of the facts, together with a plan or map of the locality under investigation, and file such statement and plan or map in the superior court of the county in which said water is situated, or, in case such water flows or is situated in more than one county, in the county which the supervisor shall determine to be the most convenient to the parties interested therein. Such statement shall contain substantially the following matter, to wit:

(1) The names of all known persons claiming the right to divert said water, the right to the diversion of which is sought to be determined, and

(2) A brief statement of the facts in relation to such water, and the necessity for a determination of the rights thereto.

The requirement for filing a lis pendens, for the purposes of the proceedings authorized by this section, shall be satisfied by a notice which sets forth only the general description, by map or appropriate legal description, of the water drainage or similar geographic area involved in the general determination of rights.

Sec. 2. Section 15, chapter 117, Laws of 1917 and RCW 90.03.120 are each amended to read as follows:

Upon the filing of the statement and map as provided in RCW 90.03.110 the judge of such superior court shall make an order directing summons to be issued,

and fixing the return day thereof, which shall be not less than sixty nor more than ninety days, after the making of such order: PROVIDED, That for good cause, the court, at the request of the supervisor, may modify said time period. A summons shall thereupon be issued out of said superior court, signed and attested by the clerk thereof, in the name of the state of Washington, as plaintiff, against all known persons claiming the right to divert the water involved and also all persons unknown claiming the right to divert the water involved, which said summons shall contain a brief statement of the objects and purpose of the proceedings and shall require the defendants to appear on the return day thereof, and make and file a statement of claim to, or interest in, the water involved and a statement that unless they appear at the time and place fixed and assert such right, judgment will be entered determining their rights according to the evidence: PROVIDED, HOWEVER, That any persons claiming the right to the use of water by virtue of a contract with claimant to the right to divert the same, shall not be necessary parties to the proceeding.

Sec. 3. Section 16, chapter 117, Laws of 1917 as amended by section 1, chapter 122, Laws of 1929 and RCW 90.03.130 are each amended to read as follows:

Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state: PROVIDED, That for good cause, the court, at the request of the supervisor, may authorize service of summons to be made by registered mail as an alternative to personal service. If the defendants, or either of them, cannot be found within the state of Washington, of which the return of the sheriff of the county in which the proceeding is pending shall be prima facie evidence, upon the filing of an affidavit by the supervisor of water resources, or his attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation printed and published at the county seat of the county in which such proceeding is pending, and also publication of said summons in a newspaper published at the county seat of each county in which any portion of the water is situated, once a week for six consecutive weeks (six publications), before the return day thereof. In cases where personal service can be had, such summons shall be served at least twenty days before the return day thereof.

Personal service of summons may be made by department of ecology employees for actions pertaining to water rights.

NEW SECTION. Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In the title, strike everything after "rights;" in line 1 and insert "amending section 14, chapter 117, Laws of 1917 and RCW 90.03.110; amending section 15, chapter 117, Laws of 1917 and RCW 90.03.120; amending section 16, chapter 117, Laws of 1917 as amended by section 1, chapter 122, Laws of 1929 and RCW 90.03.130; and declaring an emergency."

Signed by: Senators Gaspard, Chairman; Benitz, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Gaspard, the committee amendment to the title was adopted.

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 1120, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1120, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Francis, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—42.

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

Excused: Senators Buffington, Donohue, Matson, Woody—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:30 p.m., on motion of Senator Walgren, the Senate recessed until 4:25 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:25 p.m.

MOTION

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

MESSAGES FROM THE HOUSE

June 10, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 656 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 217 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 371 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 674 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 9, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 584,

HOUSE BILL NO. 1264, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 280,

HOUSE BILL NO. 448, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2460,

SENATE BILL NO. 2493, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2451,

SUBSTITUTE SENATE BILL NO. 2810, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 564, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 564, by Committee on State Government (originally sponsored by Representatives Ehlers, King, Dunlap, Nelson (Gary), Bauer, Heck, Burns, Walk, Sommers, Whiteside, Taller, Paris, Enbody, Smith, Erickson, Grengo, Grier, Gaines, Salatino, Sanders and Barr):

Abolishing certain state agencies.

MOTION

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 564 was advanced to second reading and placed on the second reading calendar for today.

Debate ensued.

POINT OF INQUIRY

Senator Morrison: "Mr. President, would Senator Wilson yield to a question? Senator Wilson, in reading through the list of changes that have been made, they don't seem to be particularly extensive. Can we have assurance from you that the Governor will not veto this particular 'Sunset' bill?"

Senator Wilson: "I have been assured by the Governor's office that she will sign this 'Sunset' bill."

Senator Morrison: "Even in light of Senator Guess's comments just now?"

Senator Wilson: "Correct."

PARLIAMENTARY INQUIRY

Senator Walgren: "Point of order, Mr. President. Are we not discussing the motion to advance this measure? I think that the Senators here have assumed that it is already advanced, which I think is correct, of course, but—"

REPLY BY THE PRESIDENT

President Cherberg: "The motion has never been made to advance, Senator. The motion was to suspend the rules and have the bill placed on the calendar. It is on the calendar. It has not been read in full as yet."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, is the bill on second reading?"

REPLY BY THE PRESIDENT

President Cherberg: "The bill is on the second reading calendar."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Available for amendment if any amendments are desired?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator, not at the present time however. It is on second reading calendar. If the motion is not made to consider the bill—the bill has not been read in full."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "What type of a motion do you want, Mr. President?"

REPLY BY THE PRESIDENT

President Cherberg: "The President doesn't necessarily want any motion, Senator."

There being no objection, the rules were suspended and Substitute House Bill No. 564 was read the second time in full.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I have a question I would like to ask of Senator Wilson. Senator Wilson, I haven't had a chance to check this title number, but on page 12, line 8 where the Governor becomes part of this action. Line 8 says, 'The Governor shall see that all offices are filled,' and so forth. Would this compel the Governor to fill an office even if she didn't think it was necessary?"

Senator Wilson: "Senator Rasmussen, the passage you are referring to is a restatement of existing law pertaining to the Governor's various authorities except that they are changing the word 'he' to 'the Governor.' The only new language that is being added in this passage occurs on page 13, starting with line 15, which is one of the amendments which is being added to the 'Sunset' bill at the request of the Governor."

Senator Rasmussen: "Thank you, Senator Wilson."

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 564 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newschwander: "Mr. President, I wonder if Senator Wilson would yield? Senator Wilson, I notice there is an emergency clause in this bill. I was wondering what the reason is. We are going to be around here for awhile, and do you want this to go into effect, or—? But I really have some doubts whether we really need an emergency clause."

Senator Wilson: "There is a reason for the emergency clause in this instance, and that is, the first four or five entities which are moving into the Sunset review process need to be examined by LBC, and then the office of financial management needs time to prepare its comments on the LBC report and all of this according to the time table must be done by the end of this year to stay on schedule, and since we are already half way through the year, I think the emergency clause in this instance is justified and needed."

Debate ensued.

MOTION

On motion of Senator Jones, Senators Hayner, Lewis, Pullen and Scott were excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 564, and the bill passed the Senate by the following vote: Yeas, 34; nays, 5; absent or not voting 3; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Mardesich, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—34.

Voting nay: Senators Day, Francis, Guess, Murray, Van Hollebeke—5.

Absent or not voting: Senators Bausch, Keefe, Sandison—3.

Excused: Senators Buffington, Hayner, Lewis, Matson, Pullen, Woody—6.

SUBSTITUTE HOUSE BILL NO. 564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 280,
HOUSE BILL NO. 448,
HOUSE BILL NO. 584,
HOUSE BILL NO. 1264.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 2608.

MOTION

At 5:05 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Saturday, June 11, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, June 11, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bausch, Benitz, Bottiger, Buffington, Donohue, Francis, Hayner, Herr, Lewis, Matson, McDermott, North, Peterson, Pullen, Ridder, Scott, Wanamaker and Woody. On motion of Senator Jones, Senators Benitz, Buffington, Hayner, Lewis, Matson, North, Pullen, Scott and Wanamaker were excused. On motion of Senator Walgren, Senators Bausch, Bottiger, Donohue, Francis, Herr, McDermott, Peterson, Ridder and Woody were excused.

The Color Guard, consisting of Pages Deborah McKune and Karl Jonasson, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, AS WE COME TO THE CLOSING DAY OF THIS WEEK, WE THANK YOU FOR THE REMARKABLE ACCOMPLISHMENTS WE HAVE EXPERIENCED. FOR LIFE ITSELF, FOR HEALTH, FOR ISSUES CLARIFIED, FOR FRIENDSHIPS DEEPENED, FOR COLLEGIALLY STRENGTHENED IN SPITE OF DIFFERENCES, FOR ALL THE OPPORTUNITIES OF WORK IN THIS HOUSE AMID THE FRUSTRATIONS AND FLUCTUATIONS OF THIS SESSION, FATHER, WE GIVE YOU THANKS FOR THE LEGISLATION COMPLETED, AND THAT WHICH NEARS COMPLETION. GRANT THAT THE SENSE OF ACCOMPLISHMENT IN EACH SENATOR MAY BE EXCEEDED ONLY BY THE DESIRE TO STRENGTHEN AND IMPROVE THOSE BILLS WHICH REMAIN, THAT OUR STATE MAY MOVE AHEAD IN FREEDOM, JUSTICE AND LOVE, SHARED WITH ALL OUR PEOPLE. IN THE MASTER'S NAME. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 10, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 10, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2160: Authorizing certain contracts for school districts and educational service districts.

SENATE BILL NO. 2217: Authorizing travel and living expenses for candidates for administrative positions in public hospital districts.

SENATE BILL NO. 2418: Revising the law relating to criminal justice training.

SENATE BILL NO. 2421: Authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances.

SENATE BILL NO. 2439: Extending the obligation of urban arterial trust funds for one more year.

SENATE BILL NO. 2479: Allowing a monthly earned income exemption for unemployable persons under the public assistance laws.

SENATE BILL NO. 2486: Modifying the methods for closing highways and restricting traffic.

SENATE BILL NO. 2510: Authorizing the establishment of transportation centers.

SUBSTITUTE SENATE BILL NO. 2873: Revising laws relating to legislative ethics.

SENATE BILL NO. 2472: Changing the law on recreational vehicles.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGE FROM THE HOUSE

June 10, 1977.

Mr. President: The House had adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2281, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 11, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2282, simplifying reporting requirements for campaign treasurers, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Grant, Pullen and Beck; Representatives Hawkins, Hughes and Zimmerman.

MOTION

On motion of Senator Grant, the report of the Free Conference Committee on Engrossed Senate Bill No. 2282 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2282, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; excused, 16.

Voting yea: Senators Beck, Bluechel, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—32.

Excused: Senators Bausch, Benitz, Bottiger, Buffington, Donohue, Francis, Hayner, Herr, Lewis, McDermott, North, Pullen, Rasmussen, Ridder, Wanamaker, Woody—16.

ENGROSSED SENATE BILL NO. 2282, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 10, 1977.

Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 649 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 649, implementing law relating to cosmetology, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by Senators Van Hollebeke, Buffington and Bausch; Representatives MrCormick, Greengo and Salatino.

MOTION

On motion of Senator Van Hollebeke, the report of the Free Conference Committee on House Bill No. 649 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 649, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; absent or not voting, 1; excused, 14.

Voting yea: Senators Bausch, Beck, Bluechel, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Wojahn—33.

Absent or not voting: Senator Washington—1.

Excused: Senators Benitz, Bottiger, Buffington, Donohue, Francis, Hayner, Herr, Lewis, McDermott, North, Pullen, Ridder, Wanamaker, Woody—14.

HOUSE BILL NO. 649, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 10, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2268, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 3, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2268, as amended by the House, permitting OPP&FM to establish per diem rates, have had the same under consideration, and we recommend that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Rasmussen, Newschwander and Bausch; Representative Ehlers, Keller and Zimmerman.

MOTION

On motion of Senator Rasmussen, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2268 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2268, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; absent or not voting, 2; excused, 13.

Voting yea: Senators Bausch, Beck, Bluechel, Clarke, Day, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Wojahn—33.

Absent or not voting: Senators Matson, Washington—2.

Excused: Senators Benitz, Bottiger, Buffington, Donohue, Francis, Hayner, Herr, Lewis, McDermott, North, Pullen, Wanamaker, Woody—13.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2268, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 10, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2877, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 11, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2877, revising laws on ethics and disclosure, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of free conference in order to amend the bill as follows:

That the House amendment on page 8, line 2 of the bill be not adopted and the bill be amended as follows:

On page 8, after line 1, strike all of section 7, and insert the following:

"Sec. 7. Section 37, chapter 1, Laws of 1973 as amended by section 25, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.370 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter, which rules and regulations shall be promulgated pursuant to the provisions of chapter 34.04 RCW;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(5) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(6) Adopt and promulgate a code of fair campaign practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information", for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order approved and ratified by a majority of the membership of the commission, may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.240(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any ((such)) suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing

to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order."

In line 5 of the title, after "42.17.090;" insert "amending section 37, chapter 1, Laws of 1973 as amended by section 25, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.370;"

Signed by: Senators Grant, Goltz and Bluechel; Representatives Nelson (Dick), Fuller and Heck.

MOTION

On motion of Senator Goltz, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute Senate Bill No. 2877.

MESSAGE FROM THE HOUSE

June 10, 1977.

Mr. President: The House had adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2143, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 2, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2143, as amended by the House, providing for additional superior court judges in Spokane, Pierce, Kitsap, Benton-Franklin, Cowlitz, and San Juan-Island judicial districts, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Francis, Day and Sellar; Representatives Knowles, Boldt and Tilly.

MOTION

Senator Day moved the report of the Free Conference Committee be adopted on Engrossed Substitute Senate Bill No. 2143.

POINT OF INQUIRY

Senator Washington: "What is the effect of that compromise—of November first? I don't get the significance of the November first date."

Senator Day: "Well, the November first date accomplishes not having them being appointed on the first of July and having to file on the twenty-first, or whatever the date accomplishes. At least it gives them an opportunity to sit down on the seat for the period of one year before they have to run."

POINT OF INQUIRY

Senator Talley: "How was Cowlitz County in that report?"

Senator Day: "It expands to two judges in Cowlitz County and the effective date of the bill is November first, I believe there is a thirty day provision that takes

care of the fact that the election is on November eighth and that this takes effect the first."

The motion by Senator Day carried and the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2143 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2143, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 2; absent or not voting 1; excused, 12.

Voting yea: Senators Bausch, Beck, Bluechel, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Peterson, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeck, von Reichbauer, Walgren, Washington, Wilson, Wojahn—33.

Voting nay: Senators Odegaard, Talley—2.

Absent or not voting: Senator Scott—1.

Excused: Senators Benitz, Bottiger, Buffington, Francis, Hayner, Herr, Lewis, McDermott, North, Pullen, Wanamaker, Woody—12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2143, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:40 a.m., on motion of Senator Walgren, the Senate recessed until 11:40 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:40 a.m.

MOTION

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

REPORT OF STANDING COMMITTEE

June 10, 1977.

SENATE BILL NO. 2700, an act relating to property tax limitation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2700 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Fleming, Jones, Mardesich, Marsh, Morrison, Murray, Newschwander, Rasmussen, Sandison.

MOTIONS

On motion of Senator Marsh, the rules were suspended, Senate Bill No. 2700 was advanced to second reading and placed on the second reading calendar for today.

On motion of Senator Donohue, Substitute Senate Bill No. 2700 was substituted for Senate Bill No. 2700 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2700 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2700 was made a special order of business for 12:15 p.m. today.

MESSAGE FROM THE HOUSE

June 11, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 11, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, establishing procedures for organization of minor political parties, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike the House amendment and amend the bill as follows:

AN ACT Relating to nominations other than by primary; amending section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090; amending section 29.18.020, chapter 9, Laws of 1965 and RCW 29.18.020; amending section 29.18.110, chapter 9, Laws of 1965 as amended by section 5, chapter 127, Laws of 1974 ex. sess. and RCW 29.18.110; amending section 29.18.150, chapter 9, Laws of 1965 and RCW 29.18.150; amending section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010; amending section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020; amending section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030; amending section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040; amending section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050; amending section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060; amending section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070; amending section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080; amending section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; amending section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010; adding a new section to chapter 29.18 RCW; adding a new section to chapter 29.24 RCW; adding a new section to chapter 29.85 RCW; repealing section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080; providing penalties;

and declaring an emergency.

Section 1. Section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010 are each amended to read as follows:

A "convention" for the purposes of this chapter, is an organized assemblage of ((at least one hundred)) registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle~~((or in lieu thereof ten registered voters from each congressional district in the state of Washington))~~. As used in this chapter, the term "election jurisdiction" shall mean the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. This term shall include county commissioner districts or council districts for members of a county legislative authority, counties for county officials who are nominated and elected on a county-wide basis, legislative districts for members of the legislature, congressional districts for members of congress, and the state for president and vice president, members of the United States senate, and state officials who are elected on a state-wide basis.

Sec. 2. Section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020 are each amended to read as follows:

~~((Any new or minor political party is not entitled to participate in a state primary election but must nominate candidates for public office))~~ Any nomination of a candidate for partisan public office by other than a major political party shall only be made either: (1) In a convention held on the~~((same day that state primary elections are held))~~ last Saturday immediately preceding the first day for filing declarations of candidacy specified in RCW 29.18.030 or fixed in accordance with RCW 29.68.080 or 29.68.090; or (2) as provided by RCW 29.51.170. A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position.

Sec. 3. Section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030 are each amended to read as follows:

To be valid, a ~~((minor party))~~ convention must:

(1) Be attended by at least ~~((one hundred registered voters; or in lieu thereof ten registered voters from each congressional district in the state of Washington))~~ a number of individuals who are registered to vote in the election jurisdiction for which nominations are to be made, which number is equal to one for each ten thousand voters or portion thereof who voted in the last preceding presidential election held in that election jurisdiction or twenty-five such registered voters, whichever number is greater;

(2) Have been called by a notice published in a newspaper of general circulation published in the county in which the convention is to be held at least ten days before the date of the ~~((primary election))~~ convention stating the date, hour, and place of meeting~~((and a general statement of the principles of the organization))~~. The notice shall also include the mailing address of the person or organization sponsoring the convention, if any.

Sec. 4. Section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040 are each amended to read as follows:

A certificate evidencing nominations made at a ~~((minority party))~~ convention must:

(1) Be in writing;

(2) Contain the name of each person nominated, his residence, ~~((his business;))~~ and the office for which he is named; together with a sworn statement of each nominee giving his consent to the said nominations;

(3) Designate in not more than five words the purpose for which the convention was held or the new or minor political party, organization, or principle which the convention represents;

(4) Be verified by the oath of the presiding officer and secretary;

(5) Be signed by at least ((one hundred registered voters present at)) a number of individuals who are registered to vote in the election jurisdiction for which the nominations are made and who attended the convention ((and who did not vote at the primary election held on that day, or in lieu thereof be signed by at least ten registered voters from each congressional district in the state of Washington present at a convention, and who did not vote at the primary election held on that day)), which number is equal to the number of registered voters who must have attended the convention for it to be valid under RCW 29.24.030 as now or hereafter amended;

(6) Show the voting addresses of all signers;

(7) Contain proof of publication of the notice of calling the convention; and

(8) Be submitted to the secretary of state not later than the last day for filing declarations of candidacy under RCW 29.18.030, or fixed in accordance with RCW 29.68.080 or 29.68.090.

Sec. 5. Section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050 are each amended to read as follows:

The signature ((of)) on a ((minor party)) convention nominating certificate of a person who ((voted)) signed a nominating certificate in ((the primary)) any other convention held on the day of the convention is invalid.

Sec. 6. Section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060 are each amended to read as follows:

Upon the receipt of the certificate of nomination of a ((minor party nominating)) convention, the secretary of state shall check ((from the records the required signatures thereto to ascertain if the signers are registered voters and whether said signers voted at the primary election held on the same day as said convention)) the certificate and canvass the signatures thereon to ascertain if the requirements of RCW 29.24.040, as now or hereafter amended, have been met. If the secretary of state finds that the certificate ((is defective or)) does not comply with law he shall refuse to file the same and any declarations of candidacy of candidates nominated by such convention. Within two weeks after the last day of the filing period, as specified by RCW 29.18.030, or fixed in accordance with RCW 29.68.080 or 29.68.090, the secretary of state shall notify the presiding officer and secretary of each convention of any signatures judged invalid, together with the reason for any such judgment. Within one week after such notification, upon request of the presiding officer or secretary of any such convention, the county auditor shall recheck the voter registration records and shall notify the secretary of state of any signatures validated upon rechecking.

On the seventh day after filing a nominating certificate or notifying the presiding officer or secretary of a convention of any signatures judged invalid on a nominating certificate, the secretary of state shall destroy the portion of the certificate which contains the signatures, names, and addresses of convention participants unless the certificate is in dispute, in which case that portion shall be retained until the dispute is resolved. Upon resolution of any such dispute, the secretary of state shall destroy that portion of the nominating certificate. In no case shall the fact that a voter participated in a particular convention be disclosed to any person other than the election official who checks the validity of signatures on nominating certificates.

Sec. 7. Section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070 are each amended to read as follows:

If ((the)) a nominating certificate is valid, each candidate ((nominated by a minor party convention)), except for the positions of president or vice president, whose nomination is evidenced thereby may file with the secretary of state a declaration of candidacy ((as nearly as possible)) in the form prescribed for candidates subject to primary election, and each candidate must at the time of filing such declaration pay to the secretary of state the fee prescribed by law for candidates subject

to primary election. The name of a candidate nominated at a ~~((minor party))~~ convention shall not be printed upon the ~~((election))~~ primary ballot unless he pays the fee required by law to be paid by candidates for the same office to be nominated at a primary ~~((election))~~.

NEW SECTION. Sec. 8. There is added to chapter 29.24 RCW a new section to read as follows:

A declaration of candidacy of an individual candidate whose name appears on a nominating certificate filed by the secretary of state in accordance with RCW 29.24.060, as now or hereafter amended, shall be submitted to the secretary of state within one week of the filing of the nominating certificate by the secretary of state.

Sec. 9. Section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090 are each amended to read as follows:

"Major political party" means(:

~~((1) In a state-wide election;))~~ a political party of which at least one nominee for president, vice president, United States senator, or a state-wide office received at least ~~((ten))~~ five percent of the total vote cast at the last preceding ~~((state-wide))~~ state general election(;

~~((2) In an election by a constituency confined to a political subdivision of the state, a political party of which at least one nominee received at least ten percent of the total vote cast in that political subdivision at the last preceding general election by that constituency;~~

~~((3) In a city or town election, a political party of which at least one nominee received at least ten percent of the total vote cast in the last preceding general city or town election therein))~~ in an even-numbered year: PROVIDED, That any political party qualifying as a major political party under the previous subsection (2) or subsection (3) of this section prior to its 1977 amendment shall retain such status until after the next state general election following the effective date of this 1977 amendatory act.

Sec. 10. Section 29.18.020, chapter 9, Laws of 1965 and RCW 29.18.020 are each amended to read as follows:

~~((Only))~~ The names of the candidates of the major political parties and those independent candidates and candidates of minor political parties who have been nominated pursuant to the provisions of chapter 29.24 RCW shall ~~((be entitled to))~~ appear upon the partisan primary ~~((election))~~ ballot ~~((after the names of the candidates affiliated therewith))~~; PROVIDED, That candidates for the positions of president and vice president shall not appear on the partisan primary ballot. The name of no other ~~((political party))~~ candidate shall appear thereon.

Sec. 11. Section 29.18.110, chapter 9, Laws of 1965 as amended by section 5, chapter 127, Laws of 1974 ex. sess. and RCW 29.18.110 are each amended to read as follows:

No name of a candidate for a partisan office shall ~~((be the party nominee))~~ appear on the general election ballot unless he receives a number of votes equal to at least ~~((five))~~ one percent of the total number cast for all candidates for the position sought(:

Subject thereto, any person); PROVIDED, That only the name of the candidate who receives a plurality of the votes cast for the candidates of his party for any office shall ~~((be his party's nominee for that office))~~ appear on the general election ballot.

If there are two or more positions of the same kind to be filled and more candidates of a party receive a plurality of the votes cast for those positions than there are positions to be filled, the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be the nominees of their party for those positions.

Sec. 12. Section 29.18.150, chapter 9, Laws of 1965 and RCW 29.18.150 are each amended to read as follows:

Should a place on ~~((a party))~~ the ticket of a major political party be vacant because no person has filed for nomination as the candidate of that major political party, after the last day allowed for candidates to withdraw as provided by RCW 29.18.030, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy; if the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy; the certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which he is nominated and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy~~((: PROVIDED, That a vacancy caused by the death or disqualification of any nominee for a partisan office may be filled as set forth in this section at any time up to and including the day prior to the election.~~

~~Should such vacancy occur no later than the third Tuesday prior to the state general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.~~

~~Should such vacancy occur after the third Tuesday prior to said state general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.~~

~~When the secretary of state is the person with whom the certificate of nomination is filed he shall in certifying nominations to the various county officers insert the name of the persons nominated to fill a vacancy.~~

~~In the event that the secretary of state has already sent forth his certificate when the certificate of nomination to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person nominated to fill a vacancy, the office he is nominated for, the party he represents and all other pertinent facts pertaining to the vacancy).~~

NEW SECTION. Sec. 13. There is added to chapter 29.18 RCW a new section to read as follows:

A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or state-wide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

Should such vacancy occur no later than the third Tuesday prior to the state primary or general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

Should such vacancy occur after the third Tuesday prior to said state primary or general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, he shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy.

In the event that the secretary of state has already sent forth his certificate when the appointment to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which he is a candidate or nominee, the party he represents and all other pertinent facts pertaining to the vacancy.

Sec. 14. Section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080 are each amended to read as follows:

All general election ballots prepared under the provisions of this title shall conform to the following requirements:

(1) Shall be of white and a good quality of paper, and the names shall be printed thereon in black ink.

(2) Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been filed according to the provisions of this title and no other names.

(3) All nominations of any party (~~or group of petitioner~~) shall be placed under the title of such party (~~of petitioners as designated by them in their certificate of nomination or petition~~), and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(4) There shall be a at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot. The square shall be one-fourth of an inch. The size of type for the designation of the office shall be nonpareil caps; that of the candidates not smaller than brevier or larger than small pica caps and shall be connected with squares by leaders.

(5) The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the ballot, the list of candidates of the party whose (~~candidates for presidential electors or candidates~~) candidate for president received the next highest number of votes from the electors of this state in the preceding presidential election shall be placed in the second column, and the candidates of other political parties and independent candidates shall follow in the order in which certificates of nomination have been filed in the office of the secretary of state.

(6) No candidate's name shall appear more than once upon the ballot, unless the name appears once for the office of precinct committeeman, in which case the name may appear not more than twice: PROVIDED, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the county auditor at least twenty days before the election is to be held, designate the political party under whose title he desires to have his name placed.

(7) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(8) Upon each official ballot a perforated line one-half inch from the left hand edge of said ballot shall extend from the top of said ballot towards the bottom of the

same two inches thence to the left hand edge of the ballot, and upon the space thus formed there shall be no printing except the number of such ballot which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered consecutively beginning with number one, for each separate voting precinct.

(9) Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct except in cases of municipalities where a number of precincts vote for the same nominee for justices of the peace and constables, and in the latter case the ballots shall contain only the names to be voted for by the electors of such precinct. Each party column shall be two and five-eighths inches wide.

(10) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with one three-eighths inch square to the right in which the voter indicates his choice.

(11) On the top of each of said ballots and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. Next after the instructions and before the party group shall be placed the questions of adopting constitutional amendments or any other question authorized by law to be submitted to the voters of such election. The arrangement of the ballot shall in general conform as nearly as possible to the form hereinafter given.

Instructions: If you desire to vote for any candidate, place X in at the right of the name of such candidate.

(Here place any state or local questions to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT (Name of candidate)... <input type="checkbox"/> (Name of candidate)... <input type="checkbox"/>	PRESIDENT AND VICE PRESIDENT (Name of candidate)... <input type="checkbox"/> (Name of candidate)... <input type="checkbox"/>	
UNITED STATES SENATOR (Name of candidate)... <input type="checkbox"/>	UNITED STATES SENATOR (Name of candidate)... <input type="checkbox"/>	
REPRESENTATIVE IN CONGRESS 3rd Congressional District (Name of candidate)... <input type="checkbox"/>	REPRESENTATIVE IN CONGRESS 3rd Congressional District (Name of candidate)... <input type="checkbox"/>	
GOVERNOR (Name of candidate)... <input type="checkbox"/>	GOVERNOR (Name of candidate)... <input type="checkbox"/>	
LIEUTENANT GOVERNOR (Name of candidate)... <input type="checkbox"/>	LIEUTENANT GOVERNOR (Name of candidate)... <input type="checkbox"/>	
SECRETARY OF STATE (Name of candidate)... <input type="checkbox"/>	SECRETARY OF STATE (Name of candidate)... <input type="checkbox"/>	

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
STATE TREASURER (Name of candidate)... <input type="checkbox"/>	STATE TREASURER (Name of candidate)... <input type="checkbox"/>	
STATE AUDITOR (Name of candidate)... <input type="checkbox"/>	STATE AUDITOR (Name of candidate)... <input type="checkbox"/>	
ATTORNEY GENERAL (Name of candidate)... <input type="checkbox"/>	ATTORNEY GENERAL (Name of candidate)... <input type="checkbox"/>	
COMMISSIONER OF PUBLIC LANDS (Name of candidate)... <input type="checkbox"/>	COMMISSIONER OF PUBLIC LANDS (Name of candidate)... <input type="checkbox"/>	
INSURANCE COMMISSIONER (Name of candidate)... <input type="checkbox"/>	INSURANCE COMMISSIONER (Name of candidate)... <input type="checkbox"/>	
STATE SENATOR (1st District) (Name of candidate)... <input type="checkbox"/>	STATE SENATOR (1st District) (Name of candidate)... <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 1 (Name of candidate)... <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 1 (Name of candidate)... <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 2 (Name of candidate)... <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 2 (Name of candidate)... <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 3 (Name of candidate)... <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 3 (Name of candidate)... <input type="checkbox"/>	

(Names of other candidates should follow on the ballot in the same form.)

Sec. 15. Section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100 are each amended to read as follows:

The names of the persons certified as the nominees resulting from a primary election by the state canvassing board or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot unless it appears upon the certificate of either (1) the state canvassing board, or (2) the county canvassing board, or (3) ~~((a minor party convention, or (4) of))~~ the state or county central committee of a ~~((major))~~ political party exercising its authority under section 13 of this 1977 amendatory act, to fill a vacancy on its ticket ~~((occasioned by any cause on account of which it is lawfully authorized so to do)).~~

Sec. 16. Section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010 are each amended to read as follows:

Each political party organization shall have the power to:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Fill vacancies on the ticket;
- (5) Provide for the nomination of presidential electors; and
- (6) Perform all functions(;) inherent in such an organization: PROVIDED,

That ~~((in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election))~~ only major political parties shall have the power to designate candidates to appear on the state primary election ballot as provided in RCW 29.18.150 as now or hereafter amended.

NEW SECTION. Sec. 17. There is added to chapter 29.85 RCW a new section to read as follows:

Any person who knowingly signs a nominating certificate with any other than his or her true name, or who signs such petition knowing that he or she is not a legal voter or who knowingly makes therein any false statement as to his or her residence shall be guilty of a gross misdemeanor, as provided by RCW 9A.72.040.

NEW SECTION. Sec. 18. Section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080 are each repealed.

NEW SECTION. Sec. 19. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Signed by: Senators Grant, Beck and North; Representatives Hawkins and Nelson (Dick).

MOTION

On motion of Senator Grant, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute Senate Bill No. 2032.

MESSAGE FROM THE HOUSE

June 11, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2185, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 9, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2185, permitting aliens to teach in the common school system, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike the House amendments and adopt the following amendments:

On page 1, line 11 after "law," insert "and"

On page 1, line 12 after "America" strike all the material down through "expired" on line 14 and insert "~~((and five years and six months have not expired~~

since such declaration was made: ~~PROVIDED FURTHER, That~~) : PROVIDED FURTHER, That after a one year probationary period"

On page 1, line 15 after "district" insert "which employed such teacher on a permit"

On page 1, line 25 after "writing" strike all the material down through "instruction" on line 29 and insert "~~((that he is not a member of or affiliated with a communist or communist sponsored organization or a fascist or fascist sponsored organization. The form of such oath or affirmation shall be prepared by the superintendent of public instruction))~~ as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them."

Signed by: Senators McDermott, Hayner and Sandison; Representatives Eng, Bender and Schmitt.

MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2185.

MESSAGE FROM THE HOUSE

June 11, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 183 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 7, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 183, relating to disabled, guardianship proceedings have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Marsh, Hayner and Francis; Representatives Smith, Sherman and Winsley.

MOTION

On motion of Senator Marsh, the report of the Free Conference Committee on Substitute House Bill No. 183 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 183, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson,

Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—37.

Excused: Senators Benitz, Buffington, Francis, Hayner, Herr, Lewis, McDermott, North, Pullen, Wanamaker, Woody—11.

SUBSTITUTE HOUSE BILL NO. 183, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 11, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 928 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 11, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 928, as amended by the Senate, revising energy emergency powers and procedures, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Bottiger, Matson and Bausch; Representatives Lysen and Martinis.

MOTION

Senator Bottiger moved the report of the Free Conference Committee on Substitute House Bill No. 928 be adopted.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bottiger yield to a question? Senator Bottiger, has the Governor's office concurred in this?"

Senator Bottiger: "Senator Rasmussen, I am told that the Governor's office supports this compromise plan."

The motion by Senator Bottiger carried and the report of the Free Conference Committee on Substitute House Bill No. 928 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 928, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; excused, 11.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—37.

Excused: Senators Benitz, Buffington, Francis, Hayner, Herr, Lewis, McDermott, North, Pullen, Wanamaker, Woody—11.

SUBSTITUTE HOUSE BILL NO. 928, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 9, 1977.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3110 with the following amendment:

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

"NEW SECTION. Section 1. A capital budget is hereby adopted and subject to the provisions hereinafter set forth the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the specific purposes by individual amounts designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1979, out of the several funds hereinafter named.

NEW SECTION. Sec. 2. Any capital improvements or capital project involving construction or major expansion of a state office facility, to include district headquarters, detachment offices, and off-campus faculty offices shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while insuring proper service to the public.

NEW SECTION. Sec. 3. As used in this act the following phrases shall have the following meanings:

- (1) "GF, Cap Bldg Constr Acct" means General Fund—Capitol Building Construction Account;
- (2) "GF, State Bldg Constr Acct" means General Fund—State Building Construction Account;
- (3) "GF, Fish Cap Proj Acct" means General Fund—Fisheries Capital Projects Account;
- (4) "General Fund—ORA" means General Fund—Outdoor Recreation Account;
- (5) "Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;
- (6) "GF, For Dev Acct" means General Fund—Forest Development Account;
- (7) "GF, Res Mgmt Acct" means General Fund—Resource Management Account;
- (8) "GF, Res Mgmt Cost Acct" means General Fund—Resource Management Cost Account;
- (9) "GF, LIRA, DSHS Fac" means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- (10) "DSHS Constr Acct" means State Social and Health Services Construction Account;
- (11) "CEP & RI Acct" means Charitable, Educational, Penal and Reformatory Institutions Account;
- (12) "MV Fund—State" means Motor Vehicle Fund—State;
- (13) "GF, Fire Trng Constr Acct" means General Fund—Fire Training Construction Account;
- (14) "WSU Bldg Acct" means Washington State University Building Account;
- (15) "St H Ed Constr Acct" means State Higher Education Construction Account;
- (16) "Off/Lab Constr Acct" means Office/Laboratory Construction Account;
- (17) "Com Sch Constr Fund" means Common School Construction Fund;

(18) "EWSC Cap Proj Acct" means Eastern Washington State College Capital Projects Account;

(19) "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

(20) "Com Col Cap Impvmt Acct" means Community College Capital Improvement Account;

(21) "Com Col Cap Proj Acct" means Community College Capital Projects Account;

(22) "Com Col Cap Constr Acct" means 1975 Community College Capital Construction Account;

(23) "CWSC Cap Proj Acct" means Central Washington State College Capital Projects Account;

(24) "UW Bldg Acct" means University of Washington Building Account;

(25) "St Bldg Auth Constr Acct" means State Building Authority Construction Account;

(26) "WWSC Cap Proj Acct" means Western Washington State College Capital Projects Account;

(27) "WSU Constr Acct" means Washington State University Construction Account;

(28) "GF, PNW Fes Fac Constr Acct" means General Fund—Pacific Northwest Festival Facilities Construction Account; and

(29) The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	Estimated Total Cost of Projects		\$48,697,000
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
GF, Cap Bldg Constr Acct	2,097,000	4,356,000	6,453,000
GF, State Bldg Constr Acct	5,179,000	10,284,000	15,463,000
General Fund—ORA	0	958,000	958,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	0	959,000	959,000
Total Funds	7,276,000	16,407,000	23,683,000

(1) Install central chiller plant, air conditioning, remodel legislative facilities, and install roll call machine in Senate chambers.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		166,000	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,020,000	0	2,186,000	11/30/77

(2) Complete construction of Office Building No. 2, remodeling of Insurance Building, and structural renovation of Legislative Building.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		1,300,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
21,550,000	0	22,850,000	6/30/79

(3) Complete Insurance Building renovation.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		554,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,086,000	0	2,640,000	6/30/79

(4) Remodel campus buildings to ensure that all areas of the campus are accessible to the physically handicapped.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
105,000	0	305,000	6/30/79

(5) Modify computer area to include uninterruptible power source system, security system, air conditioning, and raised flooring for wiring raceways.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		50,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
989,000	0	1,039,000	9/1/77

(6) Extend steam lines to Employment Security Building.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		25,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
75,000	0	100,000	9/1/77

(7) Replace heating and cooling coils and rearrange dampers in the Highway Licenses Building, Employment Security Building, and Archives Building.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
88,000	0	288,000	11/1/77

(8) Replace existing deficient oil delivery and storage facility.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		225,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
32,000	0	257,000	12/31/77

(9) Complete landscaping of Office Building No. 2.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		50,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
218,000	0	268,000	8/1/77

(10) Renovate Old Capitol Building to conform to health and safety requirements of the Occupational Safety and Health Act, building and fire codes, and provide access to the handicapped and aged.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		3,558,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
22,000	0	3,580,000	11/1/79

(11) Remodel and maintain Capitol Campus buildings and grounds.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		160,000	1,190,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,052,000	0	2,402,000	1/1/78

(12) Maintain Deschutes Basin, dam, and area landscaping.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		10,000	25,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
24,000	70,000	129,000	1/1/78

(13) Rehabilitate Capitol Lake by dredging lake bottom, disposing of sediment, and constructing settling basin and waterway improvements. The appropriations and reappropriations contained in this subsection shall be expended exclusively to rehabilitate Capitol Lake and shall be subject to the following conditions and limitations:

(a) No dredging, waterway improvement, sediment collection or disposal, or any other rehabilitation work or improvements shall be done on any portion of the lake south of the interstate highway bridge except to the extent such work is necessary to prevent substantial change in the present condition of such portion of the lake;

(b) The lake bottom shall be dredged and the sediment properly disposed of;

(c) A settling basin and waterway improvements shall be constructed;

(d) The department may acquire property which is contiguous to Percival Cove to be used for additional recreational and parking purposes;

(e) The department, in cooperation with the department of ecology, shall identify the extent and sources of pollution in the lake;

(f) The department shall consider all possible alternatives for the acquisition and operation of any equipment necessary for the purposes of this section and shall use the most cost effective of such alternatives.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		105,000	0
General Fund—ORA		0	958,000
General Fund—Outdoor Recreation			
Account appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.		0	959,000
Total Funds		105,000	1,917,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
320,000	823,000	3,165,000	6/30/83

(14) Extend Office Building No. 2 central control and monitoring system to other campus buildings.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		513,000	392,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
50,000	0	955,000	1/31/79

(15) Design and construct campus street revisions and improvements for increased safety and upgraded circulation, and landscaping.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		0	1,366,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
504,000	6,317,000	7,396,000	3/31/83

(16) Connect last five west campus buildings to central chiller plant.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		160,000	927,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,087,000	6/30/79

(17) Design and planning funds for an office building to be located on the Capitol Campus.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		0	2,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	18,166,000	20,166,000	6/81

(18) Design and land purchase funds for the State Office Building in Spokane: PROVIDED, That such design shall limit parking stalls to a maximum of four hundred units and further provided that any site shall comply with the City of Spokane's urban development plan for mass transit and traffic control.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		0	3,153,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	28,272,000	31,425,000	10/80

(19) Design and land purchase for the State Office Building in Seattle.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		0	3,231,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	32,579,000	35,810,000	7/81

(20) Construction funds for a visitor's parking garage on the Capitol Campus.

REAPPROPRIATION APPROPRIATION

GF, State Bldg Constr Acct		0	1,750,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,750,000	6/79

(21) Provide an interruptible emergency power source for the Office Building #2 computers (service centers 1 and 3).

REAPPROPRIATION APPROPRIATION

GF, Cap Bldg Constr Acct		0	236,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	236,000	6/78

(22) Update Capitol Campus master plan.

REAPPROPRIATION APPROPRIATION

GF, Cap Bldg Constr Acct		0	70,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	70,000	6/79

NEW SECTION. Sec. 5. FOR THE MILITARY DEPARTMENT

Estimated Total Cost of Projects \$2,006,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund	659,000	0	659,000
GF, State Bldg Constr Acct	0	1,148,000	1,148,000
Total Funds	659,000	1,148,000	1,807,000

(1) Construct new 150-man armory to replace existing armory at Aberdeen.

REAPPROPRIATION APPROPRIATION

General Fund—State		285,000	0
GF, State Bldg Constr Acct		0	33,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
12,000	0	330,000	9/30/78

(2) Construct new 100-man armory to replace existing leased facility at Ephrata.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		220,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	225,000	6/30/78

(3) Provide preconstruction moneys for architectural and engineering work on future projects.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		39,000	0
GF, State Bldg Constr Acct		0	36,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	110,000	185,000	6/30/83

(4) Acquire land and construct a new 400-man armory at Vancouver.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		50,000	0
GF, State Bldg Constr Acct		0	513,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	563,000	6/30/79

(5) Provide for minor construction and site improvements to include asphalt paving, fencing, storage buildings, lighting, and retaining walls.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		65,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	72,000	137,000	6/30/83

(6) Replace 20 furnace fire units for improved energy consumption and lower maintenance costs.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		0	41,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	41,000	6/30/79

(7) Construct and equip 600-man armory at Camp Murray to replace obsolete facility in Tacoma.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		0	525,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	525,000	4/30/79

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND

HEALTH SERVICES

Estimated Total Cost of Projects \$141,532,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	1,501,000	0	1,501,000
General Fund—Federal	0	1,700,000	1,700,000
DSHS Constr Acct	26,289,000	19,964,000	46,253,000
CEP & RI Acct	169,000	718,000	887,000
GF, LIRA, DSHS Fac	18,445,000	0	18,445,000
Total Funds	46,404,000	22,382,000	68,786,000

The department shall provide a capital proposal to the 1978 legislative session which will provide the necessary security in the maintenance of the sexual psychopath program.

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADULT CORRECTION PROGRAM

Estimated Total Cost of Projects \$69,039,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	566,000	0	566,000
DSHS Constr Acct	10,000,000	9,048,000	19,048,000
CEP & RI Acct	95,000	522,000	617,000
Total Funds	10,661,000	9,570,000	20,231,000

(1) To provide fire and safety improvements, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		136,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
15,000	0	151,000	2/78

(2) For remodeling of dental areas, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	145,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	145,000	10/78

(3) To provide preliminary design, working drawings, and construction for food service and kitchen area, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,993,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,993,000	10/79

(4) To convert former women's quarters to 50-bed minimum custody unit, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	300,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	300,000	1/78

(5) To modify laundry facilities, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		60,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
70,000	0	130,000	6/79

(6) To modernize inmate residence living area, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		341,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
137,000	0	478,000	6/79

(7) To construct and equip maximum security facility, Washington State Reformatory, to be completed and in operation by August 15, 1979.

		REAPPROPRIATION	APPROPRIATION
DSH Constr Acct		10,000,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	0	10,300,000	6/79

(8) To provide fire and safety improvements, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	377,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	377,000	12/78

(9) To renovate and repair roofs, Washington Corrections Center.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	626,000
CEP & RI Acct		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
115,000	0	776,000	12/78

(10) To construct and equip work release housing unit, Indian Ridge Treatment Center.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		89,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
66,000	0	155,000	3/78

(11) To open and renovate work training release facility, Geiger Field.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	435,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	435,000	1/78

(12) To construct and equip a 100-bed honor camp.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	2,554,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	2,554,000	6/79

(13) To provide planning, design, and site selection funds for three maximum security facilities, one to have an intake/diagnostic unit. As a condition of this appropriation and the reappropriation provided in subsection (7) of this section, the department shall submit to the appropriate committees of the legislature no later than July 1, 1978, a plan which shall include: (a) Proposals to reduce the population at the penitentiary and reformatory to provide for single occupancy of the cells in the two institutions; (b) proposals to reduce the level of security affecting both personnel and physical plan to be commensurate with the reduction in inmate population; and (c) a classification system which reflects all current and pending physical plant changes throughout the adult corrections system.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		0	2,230,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	48,105,000	50,335,000	6/81

(14) To improve security of the mentally ill offenders facility at Eastern State Hospital.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		0	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	100,000	9/77

(15) To renovate existing facilities at Eastern State Hospital for moderate secure treatment and a work/training residence.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		0	810,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	810,000	1/78

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION PROGRAM

Estimated Total Cost of Projects	\$5,768,000
Biennial Amounts By Fund Source	

	Carryover	Current	Total
General Fund—Federal	0	1,700,000	1,700,000
General Fund—State	15,000	0	15,000
CEP & RI Acct	0	156,000	156,000
DSHS Constr Acct	1,366,000	2,384,000	3,750,000
Total Funds	1,381,000	4,240,000	5,621,000

(1) To construct and equip three group homes.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	995,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	995,000	1/79

(2) To provide fire and safety improvements, Green Hill School.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		15,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
55,000	0	70,000	11/77

(3) To construct and equip four living units, Naselle Youth Camp.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		1,366,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
92,000	0	1,458,000	1/78

(4) To replace boiler and remodel steam plant, Maple Lane School.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	589,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	589,000	9/79

(5) To remodel dormitories at Mission Creek Youth Camp.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	111,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	111,000	12/78

(6) To expand and upgrade water system, Mission Creek Youth Camp.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	45,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	45,000	6/78

(7) To provide a contingency for site acquisition, construction, and equipping of a juvenile diagnostic center only if the Governor negotiates an agreement for transfer of Cascadia to the United States Government. The agreement shall provide for minimum reimbursement of \$1,700,000 from federal funds. No portion of this appropriation may be expended until all reimbursement has been received. No portion of this appropriation shall be expended for construction or renovation until a plan for construction or renovation is approved by the appropriations committee of the house of representatives and the ways and means committee of the senate.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	800,000
General Fund—Federal		0	1,700,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	2,500,000	6/79

NEW SECTION, Sec. 9. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM.

Estimated Total Cost of Projects \$10,861,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
DSHS Constr Acct	1,074,000	2,457,000	3,531,000
Total Funds	1,074,000	2,457,000	3,531,000

(1) To provide matching funds for construction and equipment of mental health wing, Children's Orthopedic Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		374,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
427,000	0	801,000	6/79

(2) Not later than January 1, 1978, the department shall provide the legislature with a revised project plan including reduced cost alternatives for constructing and

equipping the new 32-bed residential facility at the child study and treatment center at Western State Hospital. No construction shall begin prior to approval of the revised project plan by the Senate Ways and Means Committee and the House Appropriations Committee.

(3) To provide design funds for 350-bed psychiatric hospital, Western State Hospital: PROVIDED, That such facility be designed to handle mentally ill offenders.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		700,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	6,285,000	6,985,000	6/80

(4) To renovate for accreditation, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,500,000	6/79

(5) To renovate utilities and roofs, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	553,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	553,000	8/78

(6) To construct fuel storage and conveyor system, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	354,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	354,000	2/79

(7) Preliminary design and working drawings to construct elevated water tower, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	50,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	

6/30/77	Thereafter		
0	0	668,000	3/79

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM

Estimated Total Cost of Projects \$24,667,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	920,000	0	920,000
DSHS Constr Acct	12,087,000	2,042,000	14,129,000
CEP & RI Acct	74,000	40,000	114,000
Total Funds	13,081,000	2,082,000	15,163,000

(1) To replace boilers, Phase II, Fircrest School.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		292,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
75,775	0	368,000	1/79

(2) To repair and upgrade utilities, working drawings for repair of water, electrical and steam systems, Fircrest School.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		133,000	1,309,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
33,000	0	1,475,000	1/79

(3) To renovate and construct, including upgrade of utilities and completion of Phase I, Rainier School.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		405,000	0
DSHS Constr Acct		2,650,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
136,000	7,218,000	10,409,000	6/81

(4) To renovate, construct, equip, to include completion of Phase I, Lakeland Village.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		4,612,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
158,000	0	4,770,000	9/78

(5) Not later than January 1, 1978, the department shall provide the legislature with revised plans for Phase II Lakeland Village. Such plans shall continue to include provisions for privacy for residents, but shall demonstrate more efficient and less costly building design and land use than the presently planned facilities and building configurations.

Such plan shall include but not be limited to:

(a) Description and drawings of alternative facility plans.

(b) Report of relationship of alternatives to required staffing.

(c) Report of relationship of alternatives to effective energy conservation and efficient design.

(d) Plans for consolidation or elimination of duplicative spaces.

No construction shall begin prior to approval of the revised plans by the Senate Ways and Means Committee and the House Appropriations Committee.

(6) To install new elevator for safety evaluation and traffic load, Yakima Valley School.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		125,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,000	0	135,000	9/77

(7) To provide fire alarms, School For The Blind.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		50,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	11/77

(8) To renovate kitchen, primary area, and Administration Building, School For The Blind.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		280,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
40,000	0	320,000	11/77

(9) To renovate and repair facilities and utility system, School For The Blind.

	REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct	0	633,000
CEP & RI Acct	0	40,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	673,000	7/78

(10) To provide fire and safety improvements, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		42,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	47,000	11/77

(11) To provide secondary source of power, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		44,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	44,000	11/77

(12) To remodel former superintendent's residence, School For The Deaf, to provide a recreation center for senior high students.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		30,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	30,000	10/77

(13) To demolish Watson Hall, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		18,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
26,000	0	44,000	10/77

(14) To provide for contractual design and construction costs for three state residential training centers and for purchase of community sites that meet neighborhood approval. Estimated project completion date 12/78.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		4,100,000	0
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Costs 7/1/77 through 6/30/79
122,000	0	4,222,000	4,100,000

(15) To provide for design through working drawings for an education, therapy building, Interlake School.

REAPPROPRIATION APPROPRIATION

DSHS Constr Acct	Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
	0	1,400,000	1,500,000	10/1/79

(16) To provide for site development and construction of a community educational facility for the developmentally disabled: PROVIDED, That the appropriation contained in this subsection is contingent upon acquisition of the former Nike-Ajax site from the Kent School District and department of health education and welfare.

REAPPROPRIATION APPROPRIATION

DSHS Constr Acct	Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
	0	0	300,000	1/79

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADMINISTRATIVE SERVICES AND SUPPORT SERVICES PROGRAM

Estimated Total Cost of Projects \$31,197,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
DSHS Constr Acct	1,762,000	4,033,000	5,795,000
GF, LIRA, DSHS Fac	18,445,000	0	18,445,000
Total Funds	20,207,000	4,033,000	24,240,000

(1) To construct and equip community, Social and Health Services Facilities (Referendum 29).

REAPPROPRIATION APPROPRIATION

GF, LIRA, DSHS Fac	Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
	6,245,000	0	24,690,000	0

(2) To repair and improve utilities and facilities—Omnibus.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		1,200,000	1,800,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,467,000	0	4,467,000	6/79

(3) To provide contingency expenses on DSHS construction projects.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		202,000	300,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
383,000	0	885,000	6/79

(4) To provide for preplanning funds on future construction projects (1977-81).

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
239,000	0	439,000	6/79

(5) To research, design, and implement energy conservation and solar heating principles, both passive and active.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		160,000	433,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
123,000	0	716,000	6/79

(6) To convert the existing facility at Northern State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,500,000	1/78

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Estimated Total Cost of Projects

\$9,442,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	239,000	219,000	458,000
General Fund—Federal	3,595,000	893,000	4,488,000
DSHS Constr Acct	2,144,000	519,000	2,663,000
CEP & RI Acct	200,000	0	200,000
Total Funds	6,178,000	1,631,000	7,809,000

(1) To provide fire, safety and health improvements at the Veterans' Home and Soldiers' Home including construction of a 78-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home.

REAPPROPRIATION APPROPRIATION

General Fund—State		186,000	0
General Fund—Federal		3,464,000	578,000
CEP & RI Acct		200,000	0
DSHS Constr Acct		1,935,000	519,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,520,000	0	8,402,000	6/79

(2) To repair sewer, Soldiers' Home.

REAPPROPRIATION APPROPRIATION

DSHS Constr Acct		209,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
8,000	0	217,000	4/78

(3) To replace boilers at Soldiers' Home.

REAPPROPRIATION APPROPRIATION

General Fund—State		0	169,000
General Fund—Federal		0	315,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	484,000	6/79

(4) To replace boilers at Veterans' Home.

REAPPROPRIATION APPROPRIATION

General Fund—State		53,000	0
General Fund—Federal		131,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
17,000	0	201,000	3/78
(5) To repair and improve utilities and facilities—Omnibus.			

		REAPPROPRIATION		APPROPRIATION
General Fund—State		0		50,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Completion Date
0	0	50,000		6/79

NEW SECTION. Sec. 13. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

	Estimated Total Cost of Projects		\$20,000,000
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
GF, PNW Fes Fac Constr Acct	0	5,000,000	5,000,000
General Fund—Federal	0	15,000,000	15,000,000
Total Funds	0	20,000,000	20,000,000

To construct a Pacific Northwest Festival Facility.

		REAPPROPRIATION		APPROPRIATION
GF, PNW Fes Fac Constr Acct		0		5,000,000
General Fund—Federal		0		15,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Completion Date
0	0	20,000,000		6/30/79

No portion of the appropriations contained in this section shall be expended until the state is in receipt of \$15,000,000 from the federal government, or so much thereof as to equal a 3 to 1 match, and which is sufficient to complete and make operational at least one of the three planned theatres in a phased construction plan. Should federal legislation dictate that the facility be owned by the federal government, the state moneys in this appropriation shall be granted to such federal administering agency which is representing the federal government.

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF ECOLOGY

	Estimated Total Cost of Projects		\$6,836,800
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)	2,237,000	2,071,200	4,308,200
General Fund—State and Local Improvements Revolving			

Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)	616,000	378,600	994,600
Total Funds	2,853,000	2,449,800	5,302,800

(1) To construct ground water observation wells.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local Improvements Revolving Account— Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)			
	124,000		0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
451,000	700,000	1,276,000	6/30/79

(2) To construct sanitary facilities at various state parks and Department of Social and Health Services institutions including sewage and sink waste disposal and sewage treatment facilities as provided by chapter 127, Laws of 1972 ex. sess.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local Improvements Revolving Account— Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)		2,037,000	
(a) Paradise Point			20,300
(b) Larrabee			20,300
(c) Conconully			42,200
(d) Yakima Sportsman			104,200
(e) Deception Pass			28,000
(f) Westport Light			36,000
(g) Ocean City			26,600
(h) Birch Bay			306,400
(i) Lake Wenatchee			8,300
(j) Mount Spokane			20,100
(k) South Whidbey			38,300
(l) Twanoh			64,700
(m) Fort Flagler			184,700
(n) Fay Bainbridge			30,100
(o) Ginkgo/Wanapum			10,000
(p) Sacajawea			93,300
(q) Dash Point			230,200
(r) Bogachiel			27,100
(s) Region II—Drainfields and septic tanks replacement in 2 parks			10,600
(t) Potholes			4,700
(u) Camp Wooten (ELC)			83,600
(v) Region II—120 sink waste drains in 13 parks			57,800

(w) Region I—Drainfield and septic tank replacement in 11 parks	57,700
(x) Region III—61 sink waste drains in 14 parks	33,100
(y) Region III—Solid waste transfer facilities in 9 parks	27,700
(z) Region III—Drainfield and septic tank replacement in 4 parks	25,700
(aa) Riverside	138,000
(bb) Oychut—Ocean Beach Access	12,100
(cc) Region I—Solid waste transfer facilities in 3 parks	8,300
(dd) Region II—Solid waste transfer facilities in 14 parks	37,900
(ee) Dosewallips	18,100
(ff) Moran	225,000
(gg) Fields Spring	10,000
(hh) San Juan Islands	30,100

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,226,000	0	5,334,200	6/30/79

(3) To construct water supply facilities at various state parks as provided by chapter 128, Laws of 1972 ex. sess.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local

Improvements Revolving Account—

Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)

492,000

(a) Lake Chelan	25,400
(b) Deception Pass	7,200
(c) Fort Flagler	94,800
(d) Ocean City	15,000
(e) Kitsap Memorial	31,300
(f) Lyons Ferry	7,900
(g) Sun Lakes	16,500
(h) Lewis and Clark	17,000
(i) Loomis Lake	19,000
(j) Spencer Spit	10,000
(k) Sacajawea	6,600
(l) Belfair	18,000
(m) Lake Cushman	5,800
(n) Camp Wooten	29,200
(o) Fields Spring	18,100
(p) Jarrell Cove	7,400
(q) Ginkgo/Wanapum	11,300
(r) Bogachiel	25,400
(s) Beacon Rock	12,700

Project Costs	Estimated Costs	Estimated Total	Estimated Completion
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Through 6/30/77	7/1/79 and Thereafter	Costs	Date
356,000	0	1,226,600	6/30/79

(4) For acquisition only of land in the Hanford Reservation. Said land to be held without development for hazardous waste disposal purposes until further authorization by the legislature and only after receipt by the legislature of hydrological and geological site surveys as well as other environmental data.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local

Improvements Revolving Account Appropriation—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)

		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	200,000	12/7/77

NEW SECTION. Sec. 15. FOR THE STATE PARKS AND RECREATION COMMISSION

Estimated Total Cost of Projects \$15,736,250

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund	179,000	0	179,000
General Fund—ORA	1,169,000	1,330,000	2,499,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	1,709,000	1,113,000	2,822,000
General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	3,569,000	3,003,250	6,572,250
Total Funds	6,626,000	5,446,250	12,072,250

(1) To provide for unanticipated restoration and repairs to existing state park facilities.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local

Improvement Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

0	222,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	500,000	922,000	6/30/83

(2) To construct, repair, and improve state park facilities.

REAPPROPRIATION APPROPRIATION

General Fund—State		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	179,000	6/30/79

(3) Schematics and preplanning as provided by chapter 129, Laws of 1972 ex. sess.

REAPPROPRIATION APPROPRIATION

General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		120,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	120,000	6/30/79

(4) Fort Ebey campground development.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		0	100,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		272,000	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	472,000	6/30/79

(5) Manchester campground development.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		0	118,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		345,000	118,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	581,000	6/30/79

(6) Fort Columbia State Park building and interpretive display renovation.

REAPPROPRIATION APPROPRIATION

General Fund—Outdoor Recreation
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

0	40,000
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General Fund—State and Local
Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

0	40,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	80,000	6/30/79

(7) Deception Pass final acquisition around Pass Lake.

REAPPROPRIATION APPROPRIATION

General Fund—ORA

0	200,000
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General Fund—Outdoor Recreation
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

0	200,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
928,000	0	1,328,000	6/30/79

(8) Reed Island—Initial development of the park.

REAPPROPRIATION APPROPRIATION

General Fund—ORA

0	12,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	12,000	6/30/79

(9) Modernization and improvements at various parks as provided by section 4(3), chapter 129, Laws of 1972 ex. sess.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local
Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3),

chapter 129, Laws of 1972 ex. sess. (Referendum 28)	3,569,000	
(a) Fort Worden Conference Center		763,600
(b) Deception Pass		152,000
(c) Lake Wenatchee		16,900
(d) Lake Chelan		40,400
(e) Dash Point		102,600
(f) Twanoh		167,500
(g) Twin Harbors		98,300
(h) Peace Arch		8,900
(i) Pearrygin Lake		80,000
(j) Camp Wooten (Camp Wooten ELC)		54,600
(k) Bridle Trails		28,200
(l) Rainbow Falls		70,900
(m) Curlew Lake		29,400
(n) Illahee		40,400
(o) Fort Canby		34,400
(p) Ocean City		18,800
(q) Fort Flagler		226,300
(r) Lake Osoyoos		99,500
(s) Ginkgo/Wanapum		29,100
(t) Region I—Reforestation and construction of fire protection trails in 8 parks		30,000
(u) Region II—Reforestation and construction of fire protection trails in 5 parks		29,000
(v) Region III—Reforestation and construction of fire protection trails in 3 parks		6,000
(w) Fields Spring		35,600
(x) Dosewallips		103,400
(y) Sequim Bay		16,300
(z) Fort Okanogan		29,100
(aa) Beacon Rock		9,300
(bb) Mount Spokane		45,750
(cc) Wenberg		13,400
(dd) Maryhill—House		44,100
(ee) Federation Forest—House		40,000
(ff) Lake Cushman—House		40,000
(gg) Horsethief Lake—House		41,000
(hh) Bogachiel—House		40,000
(ii) Camp Wooten (ELC)		6,500
(jj) Peace Arch		5,400
(kk) Kitsap Memorial		19,600

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,248,000	0	7,433,250	6/30/79
(10) Haley property, land and frontage acquisition on Case Inlet.			

REAPPROPRIATION APPROPRIATION

General Fund—ORA		0	150,000
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		0	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	600,000	900,000	1/83

(11) Acquisition and development, including park sites, boating facilities, and historical and archaeological sites, excluding the Mercer Slough acquisition.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		1,169,000	0
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		692,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
598,000	0	2,459,000	6/30/79

(12) For acquisition and development of an ocean beach scenic corridor between Fort Casey state park and Fort Ebey state park up to a maximum width of four hundred feet.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		0	375,000
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.		0	375,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	750,000	12/77

(13) Mercer Slough additional land acquisition.

REAPPROPRIATION APPROPRIATION

General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		280,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	280,000	6/30/79

(14) Acquisition of land in Snoqualmie area for railroad interpretive center.

REAPPROPRIATION APPROPRIATION

General Fund—Outdoor Recreation

Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	130,000	6/30/79

(15) Acquisition of land at Dash Point for state park.

REAPPROPRIATION APPROPRIATION

General Fund—ORA

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	375,000	N/A

The appropriation contained in this subsection is for the acquisition of 124 acres adjacent to Dash Point state park giving that tidelands park adequate area to serve the large metropolitan population in its area.

(16) To construct a community center building including gymnasium, meeting areas, offices, and road access in Kitsap county to be known as the "Kitsap Indian Center": PROVIDED, That \$480,000 of matching federal EDA funds are received.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local

Improvement Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess.

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	125,000	6/78

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF FISHERIES

Estimated Total Cost of Projects \$65,796,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—Federal	945,000	3,073,000	4,018,000
GF, Fish Cap Proj Acct	2,555,000	4,840,000	7,395,000
General Fund—ORA	457,000	1,189,000	1,646,000

General Fund—Outdoor Recreation Account as provided by chapter 129, Laws of 1972 ex. sess.

	560,000	596,000	1,156,000
Sal Enhmt Constr Acct	0	31,381,000	31,381,000
Total Funds	4,517,000	41,079,000	45,596,000

The appropriations contained in subsections (6) through (42) of this section shall be subject to the following conditions and limitations:

The productivity of any salmon propagation facility is very dependent on water quantity and quality. Since there is a limited number of water sources which meet the critical needs of a facility it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development in the allocation of funds;

Prior to expending any moneys for the construction and development of any particular salmon propagation facility, except for site acquisition and preliminary design, the department shall give consideration to the following factors with respect to that facility:

The department's management authority over propagated salmon;

The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;

Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and

Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonoid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game;

To aid and advise the department in the performance of its functions as specified herein with regard to the salmon enhancement program, a salmon advisory council shall be created. The advisory council shall consist of ten members appointed by the governor; the director of the department of fisheries, who shall be chairman; the director of the department of game; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the appointive members two shall represent troll fishermen; two shall represent gillnet fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; two shall represent sportsmen; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

The advisory council shall be convened by the director prior to the decision to expend any funds for construction and development of any salmon propagation facility listed in subsections (6) through (42) of this section. The council shall advise the director with regard to the considerations listed herein and any other factors the council deems relevant with respect to the proposed facility.

Terms of the appointive members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of the department of game, or his designee, shall receive reimbursement for travel expenses incurred in the performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members or their designees, shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to

such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

Not more than the following amounts as listed in subsections (6) through (42) of this section shall be expended for the site acquisition, preliminary design, construction and development of such hereinabove described projects, which are ranked after site acquisition and exploration, survey, and design in order of their estimated benefit/cost ratio, with the project having the highest benefit/cost ratio being listed first.

(1) Renovations and improvements to meet safety, health and environmental regulations: PROVIDED, That all upgrading of domestic water supply facilities at all state hatcheries be completed by September 1, 1978.

		REAPPROPRIATION		APPROPRIATION
GF, Fish Cap Proj Acct		0		1,161,000
General Fund—Federal		0		813,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Completion Date
681,000	2,600,000	5,255,000		6/30/83

(2) Replacements and alterations to maintain current production at various locations, state-wide.

		REAPPROPRIATION		APPROPRIATION
GF, Fish Cap Proj Acct		0		2,053,000
General Fund—Federal		0		349,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Completion Date
22,000	555,000	2,979,000		7/1/83

(3) Projects to improve operation and production efficiency at existing facilities.

		REAPPROPRIATION		APPROPRIATION
GF, Fish Cap Proj Acct		0		1,368,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Completion Date
0	5,006,000	6,374,000		7/1/83

(4) Construction and improvements for shellfish research and production—State-wide.

		REAPPROPRIATION		APPROPRIATION
GF, Fish Cap Proj Acct		0		258,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Completion Date
0	480,000	738,000		7/1/81

(5) Fisheries related recreation activity—State-wide including acquisition and development of access facilities, boat launching facilities, and tour facilities at hatcheries.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		457,000	1,189,000
General Fund—Outdoor Recreation Account as provided by chapter 129, Laws of 1972 ex. sess. (Referendum 28)		560,000	596,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
125,000	6,825,000	9,752,000	6/30/83

(6) Land purchase for enhancement.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	2,165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	2,165,000	7/1/79

(7) Exploration, survey, and preliminary design.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	386,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	700,000	1,386,000	7/1/79

(8) To construct and develop Skykomish Hatchery ground water system project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	137,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	137,000	11/30/78

(9) To construct and develop Percival Cove project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	348,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	348,000	12/31/78

(10) To construct and develop Johns Creek project.

REAPPROPRIATION APPROPRIATION

General Fund—Federal		190,000	0
GF, Fish Cap Proj Acct		190,000	0
Sal Enhmt Constr Acct		0	370,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	0	770,000	10/31/78

(11) To construct and develop streamside gravel incubators.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	339,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	339,000	9/31/78

(12) To construct and develop Klickitat acclamation pond.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	354,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	354,000	1/31/79

(13) To construct and develop Lewis River release pond.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	844,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	844,000	6/30/79

(14) To construct and develop Schorno Springs Pond—Nisqually River project.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	1,008,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	1,008,000	6/30/79

(15) To construct and develop Bear Springs project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	228,000
Sal Enhmt Constr Acct		0	228,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	456,000	7/1/79

(16) To construct and develop Cedar River Springs rearing ponds.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	471,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	471,000	6/30/79

(17) To construct and develop Icy Creek rearing ponds.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	459,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	459,000	12/31/78

(18) To construct and develop Hunter Springs Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,408,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,408,000	12/31/78

(19) To construct and develop Cedar River gravel incubators.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	103,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	103,000	11/30/77

(20) To construct and develop Satsop Springs Pond project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	299,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	299,000	10/31/78

(21) To construct and develop Toutle River Hatchery project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	570,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	570,000	1/31/79

(22) To construct and develop Case Inlet project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	685,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	685,000	6/30/79

(23) To construct and develop Weyco Pond project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	168,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	168,000	10/31/78

(24) To construct and develop Hupp Springs project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	168,000
GF, Fish Cap Proj Acct		116,000	0
Sal Enhmt Constr Acct		0	168,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
4,000	0	456,000	6/30/78

(25) To construct and develop Cowlitz Hatchery rearing pond.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,160,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
92,000	0	1,252,000	6/30/79

(26) To construct and develop McAllister Springs Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	2,278,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
100,000	0	2,378,000	12/31/78

(27) To construct and develop Nooksack Hatchery expansion project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	3,239,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	3,239,000	3/31/79

(28) To construct and develop Lewis River Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,969,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,969,000	12/31/79

(29) To construct and develop Wynoochee River rearing ponds.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,131,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,131,000	3/31/79

(30) To construct and develop Lower Skagit River project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,790,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	0	1,790,000	7/1/79

(31) To construct and develop the spawning gravel restoration project.

		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		45,000	0
Sal Enhmt Constr Acct		0	520,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
192,000	0	757,000	6/30/79

(32) To construct and develop Simpson Hatchery additional pumps and distribution system.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	145,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	145,000	10/31/78

(33) To construct and develop South Fork Willapa Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,767,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,767,000	12/31/79

(34) To construct and develop Allison Springs Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	538,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	538,000	6/30/79

(35) To construct and develop the Skookumchuck Creek project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	615,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	615,000	9/30/78

(36) To construct and develop Cedar River spawning channel.

REAPPROPRIATION APPROPRIATION

General Fund—Federal	0	859,000
Sal Enhmt Constr Acct	0	859,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,718,000	6/30/79

(37) To construct and develop Hurd Creek water supply.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct	0	262,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	262,000	6/30/79

(38) To construct and develop Kalama Falls Hatchery release pond and water supply project.

REAPPROPRIATION APPROPRIATION

General Fund—Federal	0	656,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	656,000	9/30/78

(39) To construct and develop Stillaquamish River Hatchery.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct	0	1,144,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,144,000	5/31/80

(40) To construct and develop Garrison Springs Hatchery—Chambers Creek trap and holding project.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct	0	139,000
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Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date
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6/30/77	Thereafter		
0	0	139,000	9/30/78

(41) To construct and develop the Naselle Salmon Complex.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	3,315,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	3,315,000	7/1/79

(42) To complete various enhancement projects state-wide.

REAPPROPRIATION APPROPRIATION

GF, Fish Cap Proj Acct		2,204,000	0
General Fund—Federal		755,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,648,000	0	5,607,000	6/30/79

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF GAME

Estimated Total Cost of Projects \$49,783,582

Biennial Amounts By Fund Source

	Carryover	Current	Total
Game Fund—State	213,875	2,442,738	2,656,613
Game Fund—Federal	802,125	1,041,344	1,843,469
Game Fund—Local	19,000	204,000	223,000
General Fund—ORA	350,000	1,249,100	1,599,100
General Fund—Outdoor Recreation Account appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	350,000	734,400	1,084,400
Total Funds	1,735,000	5,671,582	7,406,582

(1) Critical resource acquisition, acquire lands for wildlife habitat, wildlife recreation, and public hunting state-wide.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		115,000	375,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		115,000	375,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,308,000	16,310,000	27,598,000	6/30/83

(2) Land acquisition, freshwater shorelands, acquire lands to provide public access to inland waters state-wide.

	REAPPROPRIATION		APPROPRIATION
General Fund—ORA		10,000	275,000
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		10,000	275,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,938,000	760,000	3,268,000	6/30/83

(3) Critical resource development, develop lands to provide recreational opportunities for the public state-wide.

	REAPPROPRIATION		APPROPRIATION
General Fund—ORA		120,000	0
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		120,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
908,000	2,038,000	3,186,000	6/30/83

(3A) Milltown Dike in the Skagit Wildlife Recreation Area.

	REAPPROPRIATION		APPROPRIATION
General Fund—ORA		0	25,000
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		0	25,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	6/30/79

(4) Freshwater shorelands development, development of facilities to provide public access to inland waters state-wide.

	REAPPROPRIATION		APPROPRIATION
General Fund—ORA		105,000	574,100
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		105,000	59,400

The appropriations contained in this subsection shall be expended so that not more than the following amounts listed for each of the following projects shall be expended:

(a) Humptulips River—Grays Harbor County—boat launch	45,700
(b) Snohomish River—Snohomish County—boat launch	62,000
(c) Methow River—Okanogan County—Averill	25,000
(d) North Fork Lewis River—Cowlitz County—boat launch	40,000
(e) Chambers Lake—Thurston County—redevelop boat launch	43,000
(f) Yakima River—Yakima County— boat launch	43,000
(g) Corral Lake—Grant County— redevelop boat launch	40,000
(h) Heart Lake—Skagit County—float	7,000
(i) Skykomish River—Snohomish County—access road and parking	22,800
(j) Deep Lake—Stevens County—boat launch	31,000
(k) Badger Lake—Spokane County— parking and drainage	37,000
(l) Clear Lake—Thurston County— float	7,000
(m) Wynoochee River—Grays Harbor County—boat launch	35,000
(n) Methow River—Okanogan County—Rice	28,000
(o) Methow River—Okanogan County—Markham	23,000
(p) Bryant Lake—Snohomish County—boat launch	26,000
(q) Tokul Creek—King County— parking	20,000
(r) Potholes Reservoir—Grant County—enlarge boat launch area	66,000
(s) Loon Lake—Stevens County—boat launch	32,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,762,000	2,206,000	5,812,000	6/30/83

(5) Major repairs and replacements, provision of funds for unanticipated capital improvements at existing facilities.

Game Fund—State Project Costs Through	Estimated Costs 7/1/79 and	REAPPROPRIATION APPROPRIATION	
		0 Estimated Total Costs	100,000 Estimated Completion Date

6/30/77	Thereafter		
100,000	200,000	400,000	6/30/83

(6) Snow Creek Research Station, complete construction of fish culture research station.

REAPPROPRIATION APPROPRIATION

Game Fund—Federal		530,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
100,000	0	630,000	6/30/79

(7) Lower Columbia study, fish production feasibility study for the lower Columbia River.

REAPPROPRIATION APPROPRIATION

Game Fund—Federal		65,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	70,000	12/31/77

(8) Naches Hatchery, water supply development for raceways and hatchery.

REAPPROPRIATION APPROPRIATION

Game Fund—State		115,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	0	135,000	10/30/77

(9) Olympia Office Annex landscaping.

REAPPROPRIATION APPROPRIATION

Game Fund—State		2,500	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,500	0	8,000	7/29/77

(10) To construct Sunnyside WRA Irrigation System.

REAPPROPRIATION APPROPRIATION

Game Fund—State		4,000	0
Game Fund—Federal		12,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
16,000	0	32,000	7/30/77

(11) To construct pollution abatement facilities at the Skamania Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		175,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
212,000	0	387,000	9/1/77

(12) For title insurance, appraisals, surveys, and relocation costs related to land acquisition and minor acquisitions.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	300,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	600,000	900,000	6/30/83

(13) To construct pollution abatement facilities at the Beaver Creek Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		0	581,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	581,000	6/30/79

(14) Wells Wildlife Recreation Area (WRA), development of irrigation system for wildlife cover.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		0	89,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	89,000	6/30/79

(15) To construct ten miles of boundary fence around Wells Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		15,000	83,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	98,000	6/30/79

(16) To construct an equipment and storage shop at Wells Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		0	32,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	32,000	6/30/79

(17) Vancouver Hatchery, connect sewer to municipal system to meet codes.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	16,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	16,000	6/30/79

(18) To construct residences at L.T. Murray and Snoqualmie Wildlife Recreation Areas.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	22,500
Game Fund—Federal		0	67,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	90,000	6/30/79

(19) Develop irrigation system for wildlife species maintenance at Sherman Creek Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	8,000
Game Fund—Federal		0	24,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	32,000	6/30/79

(20) To construct seed storage facility at McNary Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	700
Game Fund—Federal		0	2,100
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	0	2,800	6/30/79

(21) To construct hay and feed barn at L.T. Murray Wildlife Recreation Area.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	13,931
Game Fund—Federal	0	41,794

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	55,725	6/30/79

(22) To construct rearing pond at Calawah-Rayonier Hatchery.

REAPPROPRIATION APPROPRIATION

Game Fund—Local	4,000	0
Game Fund—Federal	4,000	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
27,000	0	35,000	7/30/77

(23) To construct intake revision system at Chambers Creek.

REAPPROPRIATION APPROPRIATION

Game Fund—State	3,000	0
Game Fund—Federal	3,000	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,000	0	9,000	7/30/77

(24) Dingell-Johnson, feasibility study on fish impoundment projects.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	1,500
Game Fund—Federal	0	4,500

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	6,000	6/30/79

(25) Purchase and install irrigation system for habitat development at Gloyd Seeps Wildlife Recreation Area.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	5,250
Game Fund—Federal	0	15,750

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	21,000	6/30/79

(26) To construct habitat area and wildlife recreation area boundary fencing state-wide.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	46,753
Game Fund—Federal		0	140,257
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	185,000	372,010	6/30/83

(27) To construct storage building for farm machinery at Mount Vale ranch.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	4,875
Game Fund—Federal		0	14,625
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	19,500	6/30/79

(28) Improvement of water fowl hunting area at Sunnyside Wildlife Recreation Area by raising Griffin Lake.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	4,875
Game Fund—Federal		0	14,625
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	19,500	6/30/79

(29) To construct and/or improve one mile of dike to protect production and recreation land at Skagit Wildlife Recreation Area.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	5,250
Game Fund—Federal		0	15,750
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	21,000	6/30/79

(30) To construct shop and storage area for equipment at the McNary Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	4,500
Game Fund—Federal		0	13,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	18,000	6/30/79

(31) To construct shop and storage area for equipment at Skagit Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	6,175
Game Fund—Federal		0	18,525
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	24,700	6/30/79

(32) To construct storage shed at Columbia Basin Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		4,375	0
Game Fund—Federal		13,125	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
13,000	0	30,500	9/30/77

(33) Purchase and install irrigation system for habitat development at Sinlahekin Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	5,500
Game Fund—Federal		0	16,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	22,000	6/30/79

(34) To construct shop and equipment storage building at Snoqualmie Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	6,675
Game Fund—Federal		0	20,025
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	0	26,700	6/30/79

(35) To construct Phase II of development of major trout production facility at the Waikiki Brood Pond at Spokane.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		70,000	414,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
30,000	713,000	1,227,000	9/30/77

(36) Move five brooder houses from Auburn Game Farm to South Tacoma Game Farm, and repair or replace brooder and holding pens state-wide.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	262,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	275,000	537,000	6/30/81

(37) Survey to establish boundaries of Wildlife Recreation Areas.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	8,300
Game Fund—Federal		0	24,950
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	33,250	6/30/79

(38) To construct and maintain fences state-wide.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		15,000	160,954
Game Fund—Federal		0	25,943
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
54,000	167,000	422,897	6/30/83

(39) Install areator in water supply to reduce trout mortality at Arlington Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	15,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	15,000	6/30/79

(40) To construct combination garage and storage building at the South Tacoma Hatchery.

REAPPROPRIATION APPROPRIATION

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	14,000	6/30/79

(41) To construct concrete troughs to replace obsolete metal troughs.

REAPPROPRIATION APPROPRIATION

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	7,000	6/30/79

(42) To construct new residence at the Naches Hatchery.

REAPPROPRIATION APPROPRIATION

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	45,000	6/30/79

(43) Remodel existing storage area at Olympia warehouse to provide 3,300 square feet of office space and parking.

REAPPROPRIATION APPROPRIATION

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	107,000	187,000	6/30/81

(44) Auburn Game Farm Consolidation—Distribute existing Auburn facilities to Whidbey Island, South Tacoma, and Lewis County Game Farms, and sell Auburn Game Farm.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	235,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	235,000	6/30/79

(45) Relocate Auburn shop activities to Olympia after sale of Auburn Game Farm.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	575,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	1,546,000	2,121,000	6/30/83

(46) To construct underground electrical and telephone service lines to the Seward Park Hatchery, and remove overhead distribution system.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	25,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,000	6/30/79

(47) Site improvements—Paving and landscaping at Spokane and Ephrata offices.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	11,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	18,000	29,000	6/30/79

(48) Purchase of portable fish disease laboratory, and renovation of Puyallup laboratory.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	25,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,000	6/30/79

(49) Remodeling of Vancouver Game Office for increased capacity.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	13,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	13,000	6/30/79

(50) Notwithstanding any other provision of this section to the contrary, all capital projects relating to the Auburn Game Farm and shops shall be contingent upon the sale of the Auburn Game Farm at a sale value of not less than \$1,500,000 and final approval by the Office of Program Planning and Fiscal Management. Funds received from the sale of the Auburn Game Farm shall be deposited in the game fund—state.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF NATURAL RESOURCES

	Estimated Total Cost of Projects		\$41,386,728
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
General Fund—State	25,500	296,750	322,250
GF, For Dev Acct	387,000	700,000	1,087,000
GF, Res Mgmt Acct	5,538,500	10,382,250	15,920,750
CEP & RI Acct	0	198,000	198,000
General Fund—ORA	451,000	1,094,111	1,545,111
General Fund—Outdoor Rec- reation Account as provided by chapter 129, Laws of 1972 ex. sess.	414,000	897,617	1,311,617
Total Funds	6,816,000	13,568,728	20,384,728

(1) To construct southeast area office at Ellensburg. Construction of new headquarters complex in Kittitas County: PROVIDED, That the proceeds from the sale of the existing Ellensburg complex be deposited in the state general fund.

REAPPROPRIATION APPROPRIATION

General Fund—State		0	259,000
GF, Res Mgmt Cost Acct		0	259,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	518,000	10/31/78

(2) Northwest area building renovation. Construction of additional space to provide office and timber sale auction facility.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		71,000	280,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	351,000	10/31/78

(3) To construct roads and bridges for access to state timber lands state-wide.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		1,914,000	1,517,000
GF, For Dev Acct		387,000	500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,484,000	3,000,000	9,802,000	6/30/83

(4) To construct irrigation systems to convert existing unproductive acreage to income producing land.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		2,845,000	4,923,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,490,000	4,000,000	13,258,000	6/30/83

(5) Right of way acquisition to permit access to state timber lands and lands with potential commercial development.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		0	740,000
GF, For Dev Acct		0	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	2,000,000	2,940,000	6/30/83

(6) Forks seedling storage.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		8,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
8,000	0	16,000	6/30/79

(7) Land development and tideland facilities, preparation of sites for commercial development.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		385,000	1,660,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
122,000	2,000,000	4,167,000	6/30/83

(8) To construct lookout replacement.

General Fund—State		REAPPROPRIATION		APPROPRIATION
		0		10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date	
0	20,000	30,000	6/30/83	
(9) Larch Mountain, provide hydraulic hoist in auto shop for vehicle maintenance.				

CEP & RI Acct		REAPPROPRIATION		APPROPRIATION
		0		6,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date	
0	0	6,000	6/30/78	
(12) To construct Hoh—Clearwater office, lab, and storage.				

GF, Res Mgmt Cost Acct		REAPPROPRIATION		APPROPRIATION
		0		55,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date	
0	0	55,000	10/31/78	
(10) To construct chemical and paint storage facility at Larch Mountain.				

CEP & RI Acct		REAPPROPRIATION		APPROPRIATION
		0		20,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date	
0	0	20,000	9/30/77	
(11) To construct storage building at Larch Mountain for storage of fire fighting vehicles and equipment.				

CEP & RI Acct		REAPPROPRIATION		APPROPRIATION
		0		12,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date	
0	0	12,000	6/30/79	
(13) To construct addition to body shop for furnace and paint storage to meet fire codes.				

REAPPROPRIATION APPROPRIATION

General Fund—State		0	1,750
GF, Res Mgmt Cost Acct		0	1,750
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	3,500	6/30/79

(14) Youth and Honor Camp road and bridge materials.

REAPPROPRIATION APPROPRIATION

CEP & RI Acct		0	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	300,000	450,000	6/30/79

(15) To construct reforestation roads—Construction of access roads to isolated timber stands in need of rehabilitation.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		0	612,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	85,000	697,000	6/30/83

(15A) Acquire sites and construct trails for All-Terrain Vehicle utilization.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		0	46,450
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	46,450	6/30/79

(16) Recreation—Interagency Committee for Outdoor Recreation (IAC) projects—Implementation of IAC approved budget for development of recreation facilities state-wide.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		451,000	1,047,661
General Fund—Outdoor Recreation Account as provided by section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		414,000	897,617

The appropriations contained in this subsection shall be expended so that not more than the following amounts listed for each of the following projects shall be expended:

(a) Foss Cove/Eagle Cliff on Cypress Island, Skagit County	119,500
(b) Cattle Point Lighthouse on San Juan Island development	41,500
(c) Mima Mounds stage 2 acquisition	176,000
(d) Douglas Falls near Colville	93,500
(e) Homestead redevelopment in Spokane County	79,500
(f) Yahoo Lake near Queets acquisition	17,500
(g) Mima Mounds stage I development	119,000
(h) Black River boat trail acquisition	18,000
(i) River Bend in Skagit County boating and camping development	79,500
(j) Cypress Head on Cypress Island in Skagit County—Development	75,500
(k) Overland Trail in Kitsap and Mason Counties to develop 14 miles of trail	66,000
(l) Samish Island parking acquisition (Skagit County)	25,000
(m) Yacolt Trail 3 mile extension (Clark County)	25,000
(n) Margaret McKenny expansion Capitol Forest, acquisition	6,000
(o) Blanchard Trail and Trailhead development (Skagit County)	38,500
(p) Lily Lake development (Skagit County)	34,000
(q) Howell Lake Trail (Mason County), develop 3-1/2 miles of trail	35,500
(r) Yahoo Lake development (NE of Queets)	48,000
(s) Mission Creek Trailhead acquisition (Mason County)	5,000
(t) Mima Trailhead Camp acquisition (Capitol Forest)	13,000
(u) Bald Point Trailhead acquisition (Mason County)	5,000
(v) Shelter Rock stage 2 development (Skamania County)	50,000
(w) Gibson Trail (Capitol Forest), to develop 13 miles of trail	143,000
(x) South Fork Hoh River acquisition	12,000
(y) Dragoon Creek Expansion	69,000
(z) Siouxon Trail (Clark/Skamania Counties), to develop 12 miles of trail	84,000
(aa) Lizzard Lake—Skagit County development	22,000
(bb) Upper Humptulips—Grays Harbor acquisition	20,000
(cc) Boulder Creek—Ferry County acquisition	5,000
(dd) Cypress Island acquisition	209,793
(ee) Mima Mounds stage III acquisition	180,000
(ff) Mima Mounds development	29,985

Project

Estimated

Estimated

Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
1,506,000	3,960,000	8,276,278	6/30/83

(17) Humptulips, garage and storage, replace unsafe wood structure for winter protection of fire vehicles.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	16,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	16,000	6/31/78

(18) To construct cold storage facilities at Clearwater Honor Camp and at Enumclaw.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	47,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	47,000	6/30/79

(19) To construct additional shop and storage space at the southwest area headquarters.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	80,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	80,000	6/30/79

(20) To construct storage facility for centralized storage of fertilizer, seed, and hydro-mulch.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		105,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	105,000	6/30/79

(21) To construct gunnite or concrete lined water holes on ridgetops for use by helicopter for dipping water during fire operations.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		8,500	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,000	10,000	20,500	6/30/79

(22) To construct wells and distribution system for the seed orchard to provide irrigation and fire protection.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		73,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
12,000	0	85,000	6/30/79

(23) To construct facility at Bellingham head greenhouse to provide for mechanical handling of containerized plants.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		15,000	5,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(24) To construct hose drying facilities.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		17,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,000	0	20,000	6/30/79

(25) Bellingham packing shed, convert bulb house to a packing shed and cold storage area.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		10,000	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(26) To construct 3,000 square feet of office and laboratory space for forest land management center.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		105,000	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	105,000	6/30/79

(27) Webster nursery—Land reclamation

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		0	50,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	6/30/79

(28) Paving of driveways and parking areas at south Puget Sound, southwest and northeast area headquarters.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		0	23,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	23,000	6/30/79

(29) To construct 15,000 square feet of lath house at the Bellingham nursery to provide holding area for seedlings.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		7,500	60,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	67,500	6/30/79

(30) Forest land management center, enlarge shop to accommodate large equipment.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		0	20,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(31) To construct additional storage space for fire fighting equipment at the central area headquarters.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		0	25,500
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,500	6/30/79

(32) To construct remote gas station at Larch Mountain Honor Camp.

REAPPROPRIATION APPROPRIATION

CEP & RI Acct	0	10,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	10,000	6/30/79

(33) To construct underground vaults to house remote weather sensing instruments.

REAPPROPRIATION APPROPRIATION

General Fund—State	0	10,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	10,000	6/30/79

(34) Forest Land Management Center—Paving of parking area, access road, and drive circle to reduce dust problems.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct	0	14,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	14,000	6/30/79

NEW SECTION, Sec. 19. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Estimated Total Cost of Projects \$5,916,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	1,916,000	4,000,000	5,916,000
Total Funds	1,916,000	4,000,000	5,916,000

REAPPROPRIATION APPROPRIATION

General Fund—Outdoor Recreation Account Appropriation: Appropriated

pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)				1,916,000	4,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date		
0	0	5,916,000	6/30/79		

The city of Olympia shall be granted from the general fund—outdoor recreation account appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess., \$1,000,000 for the development and construction of the Washington Center for the Performing Arts, the city of Tacoma shall be granted \$1,000,000 from the same source, for renovation and restoration of the Roxy Theater project facility, and \$793,000 for the city of Yakima to complete restoration of the Capitol Theater project: PROVIDED, That such appropriations shall be contingent upon each city obtaining at least an equal amount of that appropriated under this act, from federal government, local government and/or private sources.

NEW SECTION. Sec. 20. FOR THE UNIVERSITY OF WASHINGTON

Estimated Total Cost of Projects	\$107,841,000
Biennial Amounts By Fund Source	

	Carryover	Current	Total
UW Bldg Acct	8,859,000	17,233,000	26,092,000
St Bldg Auth Constr Acct	9,000,000	0	9,000,000
Total Funds	17,859,000	17,233,000	35,092,000

No further real property which will affect a net addition to its real property holdings may be purchased or leased by the University of Washington in its north-east Seattle campus area. The University of Washington shall submit by January 1, 1978, to the appropriations committee of the house of representatives and the ways and means committee of the senate, its plan for the use of real property in its present ownership which is not now being used for teaching and/or research purposes.

(1) To construct, renovate, and equip teaching facilities in university hospital. Estimated project completion date 6/83.

REAPPROPRIATION APPROPRIATION

St Bldg Auth Constr Acct	9,000,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs 7/1/77 Through 6/30/79
2,576,000	7,300,000	19,776,000
		9,900,000

(2) To construct and equip renovations to building mechanical and electrical systems in Johnson Hall. Estimated project completion date 10/78.

REAPPROPRIATION APPROPRIATION

UW Bldg Acct	892,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs 7/1/77 Through

			6/30/79
273,000	0	1,165,000	892,000

(3) To construct and equip Phase II and Phase III renovations in Bagley Hall. Estimated project completion date 6/81.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		1,550,000	3,900,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
2,212,000	0	7,662,000	5,450,000

(4) To complete basement renovation in Kane Hall for audio-visual and closed circuit TV. Estimated project completion date 7/78.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		950,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
50,000	0	1,000,000	950,000

(5) To renovate building mechanical, electrical, and ventilation systems in Smith Hall. Estimated project completion date 9/77.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,563,000	0	1,763,000	200,000

(6) To renovate and equip offices and upgrade building structural, mechanical, and electrical systems in Health Sciences facilities. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
UW Bldg Acct		800,000	2,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
2,250,000	5,000,000	10,550,000	3,300,000

(7) To purchase and install color television equipment for KCTS-Channel 9. Estimated project completion date 12/77.

	REAPPROPRIATION		APPROPRIATION
UW Bldg Acct		725,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
775,000	0	1,500,000	725,000

(8) To construct and equip addition to Edmundson Pavilion. Estimated project completion date 8/78.

	REAPPROPRIATION		APPROPRIATION
UW Bldg Acct		40,000	1,976,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
63,000	0	2,079,000	2,016,000

(9) To design and construct new office, classroom, and library building for School of Social Work and Speech and Hearing Sciences. Estimated project completion date 8/78.

	REAPPROPRIATION		APPROPRIATION
UW Bldg Acct		333,000	6,144,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
23,000	0	6,500,000	6,477,000

(10) To provide design funds for a new undergraduate and graduate biology teaching building. Estimated project completion date 6/81.

	REAPPROPRIATION		APPROPRIATION
UW Bldg Acct		229,000	248,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
89,000	9,528,000	10,094,000	477,000

(11) To provide planning funds for a consolidated facility for Marine Sciences and College of Fisheries. Estimated project completion date 6/81.

	REAPPROPRIATION		APPROPRIATION
UW Bldg Acct		300,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Costs

Through 6/30/77	7/1/79 and Thereafter	Costs	7/1/77 Through 6/30/79
100,000	3,200,000	3,600,000	300,000

(12) To construct and equip major utility and building renovations for operating efficiencies, safety improvements, and preservation of existing facilities. Estimated project completion date 6/81.

REAPPROPRIATION APPROPRIATION

UW Bldg Acct		2,800,000	2,465,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
8,367,000	26,333,000	41,000,000	6,300,000

(13) To construct and equip renovations to Gowan Hall. Estimated project completion date 3/78.

REAPPROPRIATION APPROPRIATION

UW Bldg Acct		20,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
432,000	0	452,000	20,000

(14) To construct and equip renovations to More Hall. Estimated project completion date 10/77.

REAPPROPRIATION APPROPRIATION

UW Bldg Acct		20,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
680,000	0	700,000	20,000

NEW SECTION. Sec. 21. FOR WASHINGTON STATE UNIVERSITY

Estimated Total Cost of Projects \$79,995,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
WSU Bldg Acct	2,592,000	2,371,000	4,963,000
WSU Constr Acct	0	4,340,000	4,340,000
St H Ed Constr Acct	4,730,000	7,286,000	12,016,000
Off/Lab Constr Acct	949,000	0	949,000
Total Funds	8,271,000	13,997,000	22,268,000

(1) To construct and equip teaching, research and office space for biosciences, Phase II. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		870,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
8,915,000	0	9,785,000	870,000

(2) To construct and equip library addition. Estimated project completion date 2/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		103,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
6,027,000	0	6,130,000	103,000

(3) To construct and equip office and laboratory space for United States Department of Agriculture and National Weather Service. Estimated project completion date 11/77.

		REAPPROPRIATION	APPROPRIATION
Off/Lab Constr Acct		949,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
951,000	0	1,900,000	949,000

(4) To construct and equip classroom, laboratory, and office building for veterinary sciences. Estimated project completion date 8/78.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		3,860,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
7,890,000	0	14,029,000	6,139,000

(5) To construct warehousing structure for storage of hazardous chemicals. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		79,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Costs

Through 6/30/77	7/1/79 and Thereafter	Costs	7/1/77 Through 6/30/79
240,000	0	319,000	79,000

(6) To construct and equip experimental animal laboratory. Estimated project completion date 8/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		411,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,224,000	0	1,635,000	411,000

(7) To construct swine center facilities at Hasting's Farm. Estimated project completion date 11/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		966,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
737,000	0	1,703,000	966,000

(8) To provide minor building alterations or renovations for safety, increased efficiency, and extension of building life. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		683,000	1,983,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,472,000	5,570,000	11,929,000	4,062,000

(9) To construct and equip modifications to existing utility production and distribution systems. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		345,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,806,000	7,036,000	9,187,000	345,000

(10) To construct and equip Computer Sciences and Mathematics Building, Phase I. Estimated project completion date 12/79.

REAPPROPRIATION APPROPRIATION

WSU Constr Acct		0	4,340,000
St H Ed Constr Acct		0	5,060,000
Total Appropriations		0	9,400,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
272,000	0	9,986,000	9,714,000

(11) To construct and equip new receiving and delivery facility. Estimated project completion date 9/78.

REAPPROPRIATION APPROPRIATION

WSU Bldg Acct		5,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
14,000	465,000	484,000	5,000

(12) To construct and equip Intercollegiate Center for Nursing Education: PROVIDED, That funds for construction purposes shall not be expended until not less than \$3,270,000 in federal funding is provided or secured. Estimated project completion date 4/79.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		0	2,226,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
183,000	0	5,679,000	5,496,000

(13) To provide design funds for renovation and addition to Wegner Hall: PROVIDED, That funds shall not be expended until federal construction funds for Wegner Hall are secured. Local plant funds may be expended for design purposes prior to the commitment of federal funds. If federal funds are secured the appropriation can be used to offset design costs funded with local plant funds. Estimated project completion date 12/89.

REAPPROPRIATION APPROPRIATION

WSU Bldg Acct		0	388,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through

			6/30/79
0	6,841,000	7,229,000	388,000
NEW SECTION. Sec. 22. FOR EASTERN WASHINGTON STATE COLLEGE			
	Estimated Total Cost of Projects		\$7,746,000
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
EWSC Cap Proj Acct	825,000	1,621,000	2,446,000
St H Ed Constr Acct	1,207,000	0	1,207,000
Total Funds	2,032,000	1,621,000	3,653,000

(1) To perform minor capital improvements to comply with current fire and safety codes, and provide for handicap access. Estimated project completion date 6/83.

		REAPPROPRIATION		APPROPRIATION
EWSC Cap Proj Acct		0		456,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79	
0	635,000	1,091,000		456,000

(2) To perform minor capital improvements to correct facility deficiencies and improve utilization. Estimated project completion date 6/79.

		REAPPROPRIATION		APPROPRIATION
EWSC Cap Proj Acct		125,000		0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79	
135,000	678,000	938,000		125,000

(3) To construct and equip utility loop system and implement energy conservation improvements. Estimated project completion date 6/79.

		REAPPROPRIATION		APPROPRIATION
EWSC Cap Proj Acct		700,000		165,000
Total Funds		700,000		165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79	
158,000	865,000	1,023,000		865,000

(4) To purchase moveable equipment for new Radio-TV Building. Estimated project completion date 6/79.

REAPPROPRIATION APPROPRIATION

EWSC Cap Proj Acct		0	1,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	0	1,000,000	1,000,000

(5) To construct and equip new physical education field house. Estimated project completion date 12/78.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		1,207,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,250,000	0	2,457,000	1,207,000

NEW SECTION. Sec. 23. FOR CENTRAL WASHINGTON STATE COLLEGE

Estimated Total Cost of Projects \$4,289,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
CWSC Cap Proj Acct	907,000	665,000	1,572,000
St H Ed Constr Acct	115,000	2,000,000	2,115,000
Total Funds	1,022,000	2,665,000	3,687,000

(1) To complete schematics on Barge Hall. Estimated project completion date 12/77.

REAPPROPRIATION APPROPRIATION

CWSC Cap Proj Acct		25,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
25,000	0	50,000	25,000

(2) Renovation and alterations to facilities. Estimated project completion date 5/78.

REAPPROPRIATION APPROPRIATION

CWSC Cap Proj Acct		293,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
167,000	0	460,000	293,000

(3) Utilities extensions, alterations, and repairs. Estimated project completion date 4/78.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		485,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
247,000	0	732,000	485,000

(4) To provide chilled water to Dean Hall. Estimated project completion date 10/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		100,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
6,000	0	106,000	100,000

(5) To correct safety deficiencies in Art Building. Estimated project completion date 7/78.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	84,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	0	84,000	84,000

(6) To correct safety deficiencies on campus as defined by Washington Industrial Safety and Health Act. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	119,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	141,000	260,000	119,000

(7) To construct a botany instruction greenhouse. Estimated project completion date 8/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		4,000	200,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Costs 7/1/77 Through 6/30/79
16,000	0	220,000	204,000

(8) To provide building modifications for improved handicapped access. Estimated project completion date 10/77.

REAPPROPRIATION APPROPRIATION

CWSC Cap Proj Acct		0	162,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	0	162,000	162,000

(9) To perform minor renovations, additions and remodeling for safety, increased utilization, and preservation of facilities.

REAPPROPRIATION APPROPRIATION

CWSC Cap Proj Acct		0	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	1,400,000	1,500,000	6/83

(10) To renovate and remodel Bouillon Hall for utilization as an instruction and faculty office building. Estimated project completion date 7/77.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		115,000	2,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
109,000	0	2,224,000	2,115,000

NEW SECTION. Sec. 24. FOR THE EVERGREEN STATE COLLEGE

Estimated Total Cost of Projects \$15,033,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
St H Ed Constr Acct	1,852,000	165,000	2,017,000
TESC Cap Proj Acct	250,000	0	250,000
Total Funds	2,102,000	165,000	2,267,000

(1) To construct and equip Communications Laboratory. Estimated project completion date 1/79.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct	1,500,000	0
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TESC Cap Proj Acct		250,000	0
Total Funds		1,750,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
6,705,000	0	8,455,000	1,750,000

(2) To construct and equip Laboratory and Office Building. Estimated project completion date 7/78.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		337,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
5,951,000	0	6,288,000	337,000

(3) To improve lighting, recreational fields, and utilities. Estimated project completion date 1/78.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		15,000	165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
110,000	0	290,000	180,000

NEW SECTION. Sec. 25. FOR WESTERN WASHINGTON STATE COLLEGE

Estimated Total Cost of Projects \$17,296,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
St Bldg Auth Constr Acct	46,000	0	46,000
St H Ed Constr Acct	5,124,000	0	5,124,000
WWSC Cap Proj Acct	1,908,000	481,000	2,389,000
Total Funds	7,078,000	481,000	7,559,000

(1) To construct and equip Auditorium/Music Building addition. Estimated project completion date 6/79.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		1,837,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through

			6/30/79
574,000	0	2,459,000	1,885,000

(2) To construct and equip Environmental Studies Center. Estimated project completion date 12/78.

		REAPPROPRIATION	APPROPRIATION
St Bldg Auth Constr Acct		46,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
72,000	0	118,000	46,000

(3) To construct, equip, and remodel space for applied arts/science programs. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		177,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,310,000	0	1,487,000	177,000

(4) To construct, equip, and renovate Old Main, Phase II. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		3,072,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
604,000	0	3,676,000	3,072,000

(5) To construct and equip capital improvements to south campus fields and grounds. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		38,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
69,000	3,648,000	3,755,000	38,000

(6) To perform minor capital improvements to facilities on campus. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		354,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
435,000	802,000	1,617,000	380,000

(7) To provide safety and handicapped access improvements. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		0	331,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	150,000	481,000	331,000

(8) To design and install utility and energy conservation improvements to include joint feasibility study with City of Bellingham for common heat producing facility: PROVIDED, That the funds expended for a joint feasibility study shall not exceed \$30,000 or an amount in proportion with the projected utilization of the completed facility by the college, whichever is less. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		1,554,000	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
405,000	1,343,000	3,703,000	1,955,000

NEW SECTION. Sec. 26. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	Estimated Total Cost of Projects	\$96,884,000
Biennial Amounts By Fund Source		
	Carryover	Current
General Fund—State	444,000	0
Com Col Cap Impvmt Acct	3,390,000	0
Com Col Cap Proj Acct	1,063,000	0
Com Col Cap Constr Acct	18,965,000	6,941,000
Total Funds	23,862,000	6,947,000
		30,809,000

(1) To provide for future parking facility, Seattle Central Community College.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		444,000	0
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	0	444,000	6/79

(2) To provide for a new library and remodeling, Spokane Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		161,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,462,000	0	1,623,000	12/77

(3) To provide for a Learning Resource Center and remodeling, Lower Columbia Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		1,153,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,500,000	0	2,653,000	4/78

(4) To provide for a Learning Resource Center, Science and Health facility, Everett Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		393,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,800,000	0	2,193,000	12/77

(5) To provide for vocational facilities, Peninsula Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		92,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	692,000	12/77

(6) To provide for a Learning Resource Center, Spokane Falls Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		306,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
3,350,000	0	3,656,000	12/77

(7) To provide for vocational facilities, South Seattle Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Impvmt Acct		73,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	673,000	12/77

(8) To provide for a student center addition and remodeling, Yakima Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Impvmt Acct		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
400,000	0	579,000	12/77

(9) To provide for remodeling an Art and Music Building, Olympic Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Impvmt Acct		334,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,155,000	0	1,489,000	3/78

(10) To provide for a Student Activity Building, Walla Walla Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Impvmt Acct		80,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
448,000	0	528,000	3/78

(11) To provide for land acquisition, remodels and alterations at various campuses.

REAPPROPRIATION APPROPRIATION

Com Col Cap Impvmt Acct		308,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
11,100,000	0	11,408,000	12/77

(12) To provide for the remodeling of Edison School, Seattle Central Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct.		304,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,723,000	0	6,027,000	12/77

(13) To provide for construction, equipping, renovating, and alterations related to hazardous conditions at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		477,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
400,000	0	877,000	3/78

(14) To provide for alterations to alleviate deficient conditions.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		46,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
650,000	0	696,000	12/77

(15) To provide for a Trade and Industrial Building and remodeling, Spokane Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		1,266,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
9,000,000	0	10,266,000	3/78

(16) To provide for a Science, Dining and Physical Education Facility, Edmonds Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		125,000	0
Com Col Cap Impvmt Acct		245,000	0
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
2,435,000	0	2,805,000	12/77

(17) To provide for a welding shop, Everett Community College.

	REAPPROPRIATION	APPROPRIATION	
Com Col Cap Constr Acct	292,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
150,000	0	442,000	6/78

(18) To provide for a Human Resources, Art and Vocational Facility, Edmonds Community College.

	REAPPROPRIATION	APPROPRIATION	
Com Col Cap Constr Acct	1,624,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,000,000	0	2,624,000	6/78

(19) To provide for physical education locker space, Ft. Steilacoom Community College.

	REAPPROPRIATION	APPROPRIATION	
Com Col Cap Constr Acct	30,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	0	230,000	12/77

(20) To provide for a Learning Resource Center, Highline Community College.

	REAPPROPRIATION	APPROPRIATION	
Com Col Cap Constr Acct	5,836,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,000,000	0	6,836,000	6/78

(21) To provide for a Music Building, Shoreline Community College.

	REAPPROPRIATION	APPROPRIATION	
Com Col Cap Constr Acct	423,000	0	
Com Col Cap Impvmt Acct	66,000	0	
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
2,240,000	0	2,729,000	12/77

(22) To provide for a Learning Resource Center, South Seattle Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		4,024,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,000,000	0	6,024,000	6/78

(23) To provide for a Fine Arts Building, Ft. Steilacoom Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		211,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
800,000	0	1,011,000	3/78

(24) To provide for a geology laboratory remodeling, Highline Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		6,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	6,000	6/78

(25) To provide for a Learning Resource Center addition, Clark Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	779,000	3/78

(26) To provide for construction and equipment related to utility and lines, Highline Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		321,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Completion
		Costs	Date

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
900,000	0	1,221,000	3/78

(27) To provide for a Fine Arts Auditorium—Phase I, Seattle Central Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		1,851,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
500,000	0	2,351,000	6/78

(28) To provide for remodeling Ehret Hall, Centralia Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		22,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
370,000	0	392,000	12/77

(29) To provide for a shop facility, Green River Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		130,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	0	430,000	3/78

(30) To provide for a greenhouse, Everett Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		81,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	81,000	6/78

(31) To provide for a vocational facility, Clark Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		706,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	0	906,000	6/78

(32) To provide for the purchase and remodel of a dormitory for office use, Olympic Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		90,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
800,000	0	890,000	3/78

(33) To provide for code compliance through remodeling or construction at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	1,585,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	1,668,000	3,253,000	6/79

(34) To provide improved handicapped access at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	864,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	864,000	6/79

(35) To repair roofs at Bellevue Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	268,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	268,000	10/77

(36) To construct minor capital projects at various campuses for improved efficiency and utilization of existing facilities.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	876,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	876,000	6/79

(37) To provide for unforeseen emergency capital repairs, to be administered by the state board.

	REAPPROPRIATION		APPROPRIATION
Com Col Cap Constr Acct		746,000	500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	1,846,000	6/79

(38) Purchase, construct, equip and administer a pool of relocatables administered by the state board.

	REAPPROPRIATION		APPROPRIATION
Com Col Cap Constr Acct		75,000	325,000
Com Col Cap Proj Acct		338,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,624,000	0	11,362,000	6/79

(39) To provide for minor capital improvements to correct facility deficiencies and improve utilization, to be allocated to each district by the state board. The appropriation contained in this subsection is contingent upon the enactment of chapter ... (SSB 2435), Laws of 1977 1st ex. sess.

	REAPPROPRIATION		APPROPRIATION
Com Col Cap Constr Acct		0	1,867,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,867,000	0

(40) To construct and equip the third floor auditorium for drama, Seattle Central Community College.

	REAPPROPRIATION		APPROPRIATION
Com Col Cap Proj Acct		625,000	0
Com Col Cap Constr Acct		0	489,000
Total Appropriations		625,000	489,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,114,000	6/79

(41) To complete the construction and equipping of the physical education facility, Walla Walla Community College.

	REAPPROPRIATION		APPROPRIATION
Com Col Cap Proj Acct		100,000	0

Com Col Cap Constr Acct		100,000	173,000
Total Appropriations		200,000	173,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,500,000	0	1,873,000	12/77

NEW SECTION. Sec. 27. FOR THE BOARD OF EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION

Estimated Total Cost of Projects \$467,108,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
Com Sch Constr Fund	91,467,000	149,049,000	240,516,000
Total Funds	91,467,000	149,049,000	240,516,000

To provide for public school building planning, construction, remodeling and demolition.

REAPPROPRIATION APPROPRIATION

Com Sch Constr Fund		91,467,000	149,049,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
76,592,000	150,000,000	467,108,000	N/A

NEW SECTION. Sec. 28. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

Estimated Total Cost of Projects \$5,305,400

Biennial Amounts By Fund Source

	Carryover	Current	Total
GF, Fire Trng Constr Acct	0	194,400	194,400
Total Funds	0	194,400	194,400

(1) Fire Service Training Center.

REAPPROPRIATION APPROPRIATION

GF, Fire Trng Constr Acct		0	194,400
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	5,111,000	5,305,400	6/30/83

NEW SECTION. Sec. 29. FOR THE STATE LIBRARY

Estimated Total Cost of Projects \$1,784,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
GF, State Bldg Constr Acct	0	178,000	178,000
Total Funds	0	178,000	178,000

Cooperative storage and lending center.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		0	178,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,784,000	9/78

NEW SECTION. Sec. 30. FOR THE STATE PATROL

Estimated Total Cost of Projects \$998,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
MV Fund—State	178,000	1,273,000	1,451,000
Total Funds	178,000	1,273,000	1,451,000

(1) Construct and equip District V Headquarters at Vancouver.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	807,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	807,000	6/1/79

(2) Weigh station relocation at North Bend.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	40,000	6/30/79

(3) Weigh station relocation at Port Angeles west.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	40,000	6/30/79

(4) To construct dual-scale weigh station at Plymouth Port of Entry.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	83,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	83,000	6/30/79

(5) Repair existing facilities.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	120,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	120,000	6/30/79

(6) To construct dual-scale weigh station at Vancouver Port of Entry.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	58,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	58,000	6/30/79

(7) To construct and equip mobile radio relay station in Grays Harbor area.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	66,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	66,000	6/30/79

(8) To construct inspection building at South King County detachment office.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	76,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	76,000	6/30/79

(9) To construct gasoline storage and dispensing facilities in the Bellingham, Okanogan, Sunnyside, and Walla Walla areas.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	63,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	63,000	6/30/79

(10) To construct radio relay station in the Gold Mountain area.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		8,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
9,000	0	17,000	6/30/79

(11) To construct East King County District II headquarters.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
290,000	0	325,000	6/30/79

(12) Land acquisition and construction for radio relay stations on the Columbia River.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		40,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,000	0	50,000	6/30/79

(13) Land acquisition and construction for radio relay station in the Pomeroy area.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		10,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
30,000	0	40,000	6/30/79

(14) Land acquisitions for radio relay stations in the Colville and Clarkston areas.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		15,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	20,000	12/31/77

NEW SECTION. Sec. 31. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 32. Reappropriations shall be limited to the unexpended balances remaining June 30, 1977, in the current appropriation for each project.

NEW SECTION. Sec. 33. The depreciation schedule developed by the department of personnel used in rent assessments of state employees living in state owned housing shall be based on the actual housing cost to the state including any maintenance and interest costs depreciated over 30 years. Utility charges shall be at cost.

NEW SECTION. Sec. 34. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 35. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate refused to concur in the House amendment to Engrossed Substitute Senate Bill No. 3110 and asks the House for a conference thereon.

MOTIONS

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

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 1977-75

By Senators Rasmussen, Guess and Goltz:

WHEREAS, Present drought conditions have demonstrated the vital importance of preserving and enhancing the water and hydropower resources of the Pacific Northwest; and

WHEREAS, Hydroelectric power has been a primary source of low cost, abundant and dependable energy, which has decreased reliance on petroleum, natural gas, coal and nuclear power, freeing these depletable resources for use in other sections of the nation; and

WHEREAS, Water impounding projects tend to be self-supporting and provide multiple-use benefits including the promotion of commerce, navigation, municipal and industrial water supply and water for irrigated farming, as well as recreational benefits; and

WHEREAS, The principal remaining sites for the development of hydroelectric power in the region lie in the Middle Snake River area, with more than three million acre-feet of water storage available for power generation on-site and with resultant benefits to downstream generating plants, fisheries and flood control aspects of multiple-use development; and

WHEREAS, The total cost of construction of the most expensive Middle Snake multi-purpose project could be offset in less than two weeks of the equivalent import costs of foreign oil;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That the Congress be urged to amend those portions of the public law which preclude the development of hydroelectric and multi-purpose projects in the Middle Snake River.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to The Honorable Jimmy Carter, President of the United States; to the President of the United States Senate and the Speaker of the United States House of Representatives and to the members of the delegation in Congress from the State of Washington.

POINT OF INQUIRY

Senator Goltz: "Mr. President, would Senator Rasmussen yield? Senator Rasmussen, in your opening remarks concerning the resolution, you used the word, I believe, 'review' with respect to the action which congress should take. I noticed in the next to the last paragraph, the word 'amend' is used instead of 'review'. It seems to me that to use the word 'amend' indicates a finding, and I would like your comment as to whether or not you intend review or whether you intend amend."

Senator Rasmussen: "The intention would be that congress would review, and then, obviously, amend we hope, in the interests of conservation of millions of barrels of oil. It is our hope that they would do that and that they would further, because of the shortage of water, review also the tremendous benefits to be obtained from the additional millions of acre feet of water that they can store, yes."

Senator Goltz: "Senator Rasmussen, would you object to an oral amendment which would change the word 'amend' to 'review'?"

Senator Rasmussen: "I have no objection. I think that the end result would be the same."

Senator Goltz: "It might very well be, but my point is, that it seems to me that the word 'amend' implies a finding which I feel incapable of making. I have no objection whatsoever to asking congress to review a previous action, but to ask them to change it based upon the evidence that we have before us, would be asking me to take an action which I would feel incapable of doing."

Senator Rasmussen: "I would have no objection that they continue review. I am sure that after they review it they would find that it is very vital to the security of the United States that they do this."

Senator Goltz moved adoption of the following amendment:

On line 2 of the sixth paragraph, strike "amend" and insert "review"

Debate ensued.

POINT OF ORDER

Senator Goltz: "Mr. President, the issue before us is my amendment to change the word 'amend' to 'review' in the second to the last paragraph, and I believe the last two speeches are on the resolution as a whole."

RULING BY THE PRESIDENT

President Cherberg: "The Senator's point is well taken."

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

Further debate ensued.

The motion by Senator Rasmussen carried and the resolution, as amended, was adopted.

MOTION

Senator Beck moved adoption of the following resolution:

SENATE RESOLUTION 1977-74

By Senators Beck, Walgren, Henry and Guess:

WHEREAS, The Tacoma Narrows Bridge, an integral part of State Route 16, provides the only non-ferry access from the east side of Puget Sound to the Kitsap County area; and

WHEREAS, Since 1974 traffic using the Narrows Bridge has increased at the rate of twelve percent per year, reaching a present average daily volume of 35,000 vehicles with occasional volumes exceeding 50,000 vehicles in a single day; and

WHEREAS, The Tacoma Narrows Bridge and the section of State Route 16 from the bridge to Cheney Stadium in the City of Tacoma are now at or near their maximum load capacity and are rapidly becoming a traffic bottleneck during peak hours; and

WHEREAS, As a result of the Trident installation at Bangor and the related economic growth, the population of Kitsap County is expected to increase by some 35,000 to 40,000 additional people by 1982 creating further travel demands upon State Route 16 and the Narrows Bridge; and

WHEREAS, The completion of State Route 16 from Cheney Stadium to the Narrows Bridge as a six-lane limited access freeway will further contribute to the increase of traffic using the Narrows Bridge; and

WHEREAS, The Narrows Bridge lacks the structural capacity to sustain double decking, widening or median barriers to provide additional vehicle capacity necessary to meet the increasing traffic volumes and the developing congestion; and

WHEREAS, The Gig Harbor area does not have an adequate water supply to reach its maximum development and a preliminary investigation revealed the present bridge does not have the structural capacity to carry the additional weight of a water main on it; and

WHEREAS, the Mayor and Town Council of Gig Harbor and the Peninsula United Good Roads Committee have officially expressed concern regarding the capacity of the Narrows Bridge to continue to provide adequate transportation service;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that the Senate Transportation Committee is hereby requested to undertake a study (1) of the present and future capacity of the Tacoma Narrows Bridge to perform its function of providing safe and efficient transportation service between the east side of Puget Sound and the Kitsap County Peninsula; and (2) alternative methods of providing additional lane capacity to meet the projected increases in traffic volumes together with suggested means of funding such improvements; and

BE IT FURTHER RESOLVED, That the committee shall report its findings and recommendations to the legislature not later than January 31, 1978.

Senator Beck moved adoption of the following amendment:

On page 1, line 8, insert "WHEREAS, Considering the lane widths and acceptable operating conditions at forty-five miles per hour speeds, the maximum traffic capacity this bridge was designed for is 40,000 vehicles per day; and"

MOTION

On motion of Senator Walgren, Senate Resolution 1977-74, together with the proposed amendment by Senator Beck, was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE HOUSE

June 9, 1977.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 3015 with the following amendment:

On page 2, line 2, after "natural gas" and before "liquefied" insert the word "and", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3015.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3015, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 2; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—36.

Voting nay: Senators Guess, Sandison—2.

Absent or not voting: Senator Fleming—1.

Excused: Senators Benitz, Buffington, Hayner, Lewis, McDermott, North, Pullen, Wanamaker, Woody—9.

ENGROSSED SENATE BILL NO. 3015, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 1132.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1132, by Committee on Insurance (originally sponsored by Representative Conner):

Designating the commercial driving record of a person separately for commercial insurance purposes.

MOTION

Senator Washington moved that Substitute House Bill No. 1132 be made a special order of business for 2:00 p.m. today.

Debate ensued.

The motion by Senator Washington carried. Substitute House Bill No. 1132 was made a special order of business for 2:00 p.m. today.

SPECIAL ORDER OF BUSINESS
THIRD READING

SUBSTITUTE SENATE BILL NO. 2700, by Committee on Ways and Means (originally sponsored by Senator Donohue):

Relating to property tax limitation.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 2700.

On motion of Senator Mardesich, the rules were suspended and Substitute Senate Bill No. 2700 was returned to second reading.

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

On page 5, line 2, after "compensation" insert "and benefit"

Senator Mardesich moved adoption of the following amendment:

On page 5, line 11, after "the" insert "respective classification for the"

Debate ensued.

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

Amend the Mardesich amendment to page 5, line 11, as follows: After "classification" insert "of certificated and/or classified employees"

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

Senator Mardesich moved adoption of the following amendment:

On page 5, line 15, after "sess." insert ": PROVIDED, That if chapter (ESHB 960), Laws of 1977 1st ex. sess. does not become law these terms shall be as defined in Title 28A RCW "

POINT OF INQUIRY

Senator Gould: "Would Senator Mardesich yield to a question, please? Senator Mardesich, under this amendment, if we, you and I and the others on the conference committee were unable to come to an agreement on a definition of 'basic education', we would then have a levy lid, but with no definition of education which would mandate funding for schools?"

Senator Mardesich: "No, all this would do would put into the definition—the allocation would be then according to general apportion, is what would then apply."

Senator Gould: "All right, thank you."

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

MOTIONS

On motion of Senator Day, Senator Francis was excused.

On motion of Senator Jones, Senator Clarke was excused.

Senator Donohue moved the rules be suspended, Engrossed Substitute Senate Bill No. 2700 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Would Senator Donohue yield to a question, please? Senator Donohue, on page 5, line 19 I would like an explanation of the proviso that pertains to cost of living. Is this based on the cost of living increase, as of the state of Washington or in the different areas, for instance, Seattle, Spokane, or what?"

Senator Donohue: "The consumer price index that we are talking about is that of the federal, —does that answer your question?"

POINT OF INQUIRY

Senator Grant: "That proviso, as Senator Mardesich has written it, says that if 960, that's the basic education bill—does not become law, these terms shall be as defined in 28A RCW. I think the statement 'these terms' is very imprecise, very unclear as to what is meant by 'these terms,' and I would hope that Senator Mardesich would take another look at that before we move on to third reading and see exactly what he means by the term 'these terms.'"

Senator Mardesich: "What is referred to, of course, is the allocation which comes with the budget, and that would be general apportionment, and as it is defined in this particular bill, student transportation and elementary secondary education act funds. I don't know whether the mere explanation would suffice in the record or whether it should be clarified by amendment, but that is what is intended. The general allocation formula would then apply."

MOTION

On motion of Senator Grant, Substitute Senate Bill No. 2700, as amended, was made a special order of business for 2:30 p.m. today, on second reading.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3110 and the House amendment thereto: Senators Donohue, Scott and Odegaard.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 12:45 p.m., on motion of Senator Walgren, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

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

The President declared the Senate to be at ease.

The President called the Senate to order at 3:05 p.m.

MOTION

On motion of Senator Francis, Senator Day was excused.

REPORT OF CONFERENCE COMMITTEE

June 8, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1348, as amended by the Senate, relating to casualty insurance, have had the same under consideration, and we recommend that the Senate amendment to page 1, adding a new section 2, not be adopted, and the bill be passed without the Senate amendment.

Signed by: Senators Bottiger, Clarke and Francis; Representatives Douthwaite, Knedlik and Taller.

MOTION

On motion of Senator Francis, the report of the Conference Committee was not adopted and the report was returned to the committee for further consideration.

MOTION

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

SECOND READING

HOUSE BILL NO. 49, by Representatives Clemente, Lux, King, Gruger and Knedlik:

Changing the term "workman" to "worker" throughout the state industrial insurance laws.

The Senate resumed consideration of House Bill No. 49. On May 28, 1977, an amendment by Senators Keefe and Morrison was moved for adoption. At that time, a Point of Order was raised by Senator Grant on the amendment.

There being no objection, on motion of Senator Keefe, the amendment was withdrawn.

On motion of Senator Ridder, the rules were suspended, House Bill 49 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 49, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 2; excused, 9.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—37.

Absent or not voting: Senators Gaspard, Matson—2.

Excused: Senators Benitz, Buffington, Day, Hayner, McDermott, North, Pullen, Wanamaker, Woody—9.

HOUSE BILL NO. 49, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Odegaard, Senator Gaspard was excused.

SPECIAL ORDER OF BUSINESS
SECOND READING

SUBSTITUTE HOUSE BILL NO. 1132, by Committee on Insurance (originally sponsored by Representative Conner):

Designating the commercial driving record of a person separately for commercial insurance purposes.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 1132. Earlier today, on motion of Senator Washington, the bill was made a special order of business.

Senator Henry moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 46.52.120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46.52.120 are each amended to read as follows:

It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director by the chief of the Washington state patrol, with reference to each driver involved in the reported accidents. The case record shall be maintained in two parts. One part shall be the employment driving record of the person which shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another and all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another. The other part shall include all other accidents and convictions. Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law.

Sec. 2. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter ... (SSB 3098), Laws of 1977 1st ex. sess. and RCW 46.52.130 are each amended to read as follows:

~~((The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person;))~~ Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering such employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering such named individual, or the insurance carrier to which such named individual has applied. The director, upon proper request, shall furnish a certified abstract covering ((a)) the period of not more than three years last past, and such abstract whenever possible, ((which abstract)) shall include an enumeration of motor vehicle accidents in which such person ((has been)) was involved((-Such abstract shall indicate)); the total number of vehicles involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. ((In addition thereto the director

~~shall furnish such record to the person whose driving record is involved, upon such person's request.))~~

The abstract herein provided to ((the)) an insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: PROVIDED, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: PROVIDED FURTHER, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 48.30 RCW a new section to read as follows:

When an individual applies for a policy of casualty insurance providing either automobile liability coverage, uninsured motorist coverage, automobile medical payments coverage, or automobile physical damage coverage on an individually owned passenger vehicle or a renewal of such policy, an insurer shall not consider the applicant's commercial motor vehicle employment driving record in determining whether the policy will be issued or renewed or in determining the rates for the policy. An insurer shall not cancel such policy or discriminate in regard to other terms or conditions of the policy based upon the applicant's commercial motor vehicle employment driving record.

"Employment driving record" means that record maintained by the director pertaining to motor vehicle accidents or convictions for violation of motor vehicle laws while the applicant is driving a commercial motor vehicle as an employee of another."

POINT OF INQUIRY

Senator Sellar: "Mr. President, would Senator Henry yield to a question? Senator Henry, under this, if you were an employer that was interviewing for someone to do commercial driving, and this person had no prior commercial driving record, could you then look at his personal record to—?"

Senator Henry: "No."

Senator Sellar: "In other words, there is no way that you are hiring a driver to drive you—?"

Senator Henry: "No, that is the purpose of the bill, because the employer's insurance from my standpoint if I was the employer would be based upon his record as shown in driving a commercial vehicle. What he did on weekends with his sports car or something is a different breed of cat."

Senator Sellar: "Thank you, Senator Henry."

Senator Van Hollebeke moved adoption of the following amendment by Senators Van Hollebeke, Mardesich and Grant to the amendment by Senator Henry:

On page 1, beginning on line 24, after "while" strike "the person is driving a commercial motor vehicle as an employee of another" and insert "in pursuance of his occupation other than driving to and from his regular place of employment"

On page 1, beginning on line 28, after "vehicle" strike "as an employee of another" and insert "in pursuance of his occupation other than driving to and from his regular place of employment"

Debate ensued.

Senator Guess moved the amendment by Senators Van Hollebeke, Mardesich and Grant to the amendment by Senator Henry be laid upon the table.

There being no objection, on motion of Senator Van Hollebeke, the amendment to the amendment was withdrawn.

Further debate ensued.

POINT OF INQUIRY

Senator Henry: "Would Senator Grant yield to a question? If this is taking care of the implied consent that you have tried to tack on everything but the kitchen sink, I want to tell you now I will raise the question of scope and object and save you a lot of time."

Senator Grant: "Well, it does deal with that question, Senator Henry."

Senator Henry: "That is what I thought."

Senator Grant: "However, I don't really think it expands the scope and object of this particular bill, and I haven't been trying to tack it onto everything."

Senator Henry: "I apologize, Senator Grant, you didn't try to put it on the budget."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: Mr. President, would Senator Henry yield? Senator Henry, I think the wording in the amendment which we are about to hang on the bill says, 'as an employee of another,' and my question is, if a small businessman, a small trucker owns his own semi rig then the applications of this law will not apply to him. Is that true?"

Senator Henry: "It would only apply to his driver. If he hires a driver—now you are talking about the same thing that Senator Van Hollebeke was trying to get at is, if a man has a small business, owns his own rig, and drives it himself, this is the driving record of those who are in the employ of another, so any business that has any vehicles in which they hire a driver would be covered under this act."

Senator Wilson: "Well, my question is this. There are large trucking companies that own a hundred rigs and they employ a hundred drivers, and those one hundred drivers would be afforded the protections that your amendment gives them."

Senator Henry: "Right."

Senator Wilson: "In my neck of the woods, of course, I am more apt to have a single individual who owns the same type of semi rig as the other company owns a hundred of, but he would not be afforded this protection, as I read your amendment. Is that correct?"

Senator Henry: "Yes, he would, that is, if he hired somebody to drive it for him. It is the driver we are talking about."

Senator Wilson: "Well, quite often these are small businessmen who own and drive their own trucks."

Senator Henry: "In that case, that would come under the study we propose to do between now and January because, as I said earlier, is if a man owned and operated his own truck it would give him a chance to—for a dual driving record upon himself, and that is not the purpose of the act."

Senator Wilson: "Thank you."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator Wilson, there is a very simple way that that individual you are talking about could come under this bill, and that is simply by incorporating his business which most logging truck people—or in semi hazardous businesses do anyhow. Then the owner, the theoretical owner of all of the shares of the stock is an employee of the corporation."

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

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

In the title, line 5, after "chapter" and before "and" strike "37, Laws of 1973 1st ex. sess." and insert "... (SSB 3098), Laws of 1977 1st ex. sess."

On motion of Senator Henry, the rules were suspended, Substitute House Bill No. 1132, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis: "Would Senator Henry yield, please? If I were a prospective employer, and I did not have access to the driving record of the prospective employee, could I get him to voluntarily submit—he can get his driving record, I understand. Could I make that a condition that if, in effect, he didn't want to provide me his driving record, I would have some suspicion about his ability to drive, and I might not want to hire him. Would I be guilty of discrimination of some kind for not hiring him on that? Would I be in some kind of trouble?"

Senator Henry: "I can't see where you would. If I ask somebody for his driving record, and incidentally, if you are hiring him to drive a commercial vehicle, you are interested in his ability to drive that commercial vehicle. If he doesn't produce that driving record, I certainly wouldn't hire him, and I don't see any reason why you should."

Senator Lewis: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1132, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 7; excused, 10.

Voting yea: Senators Beck, Bottiger, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—31.

Voting nay: Senators Bausch, Bluechel, Clarke, Jones, Murray, Newschwander, Scott—7.

Excused: Senators Benitz, Buffington, Day, Gaspard, Hayner, McDermott, North, Pullen, Wanamaker, Woody—10.

SUBSTITUTE HOUSE BILL NO. 1132, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Henry, Substitute House Bill No. 1132, as amended by the Senate, was ordered immediately transmitted to the House.

SPECIAL ORDER OF BUSINESS SECOND READING

SUBSTITUTE SENATE BILL NO. 2700, by Committee on Ways and Means (originally sponsored by Senator Donohue):

Relating to property tax limitation.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 2700. Earlier today, the bill had been amended by Senator Mardesich.

MOTION FOR RECONSIDERATION

Senator Grant moved the Senate reconsider the vote by which the amendment by Senator Mardesich to page 5, line 2 was adopted.

Debate ensued.

Senator Grant demanded a roll call and the demand was sustained by Senators Washington, Francis, Ridder, Fleming, Goltz, Bottiger, von Reichbauer and Van Hollebeke.

The President declared the question before the Senate to be the roll call on the motion for reconsideration by Senator Grant.

ROLL CALL

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 19; nays, 20; excused, 9.

Voting yea: Senators Bausch, Beck, Bottiger, Fleming, Francis, Goltz, Grant, Herr, Keefe, Marsh, Monohon, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—19.

Voting nay: Senators Bluechel, Clarke, Donohue, Gould, Guess, Henry, Jones, Lewis, Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar—20.

Excused: Senators Benitz, Buffington, Day, Gaspard, Hayner, North, Pullen, Wanamaker, Woody—9.

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

On page 5, line 12, beginning with "For" strike all the material down through "sess." on line 15 and including the Mardesich amendment to page 5, line 15, and insert:

"For the purposes of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, RCW 28A.41.140, and RCW 28A.41.145, as now or hereafter amended, and the student transportation allocation shall be determined pursuant to RCW 28A.41.160, as now or hereafter amended.

Certificated employees shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in

any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified employees shall include those persons employed by a school district other than certificated employees as defined in this section in a capacity for which certification is not required."

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

On page 5, line 26, after "year's" insert "United States"

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute Senate Bill No. 2700 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Morrison: "Mr. President, would Senator Donohue yield to a question? Senator Donohue, it is vital that this levy lid proposal in front of us now for a final vote dovetail with the budget provisions for school funding as they finally pass this legislature. Can you assure me that the proposal here is in line with the position being taken by the Senate conferees on the budget?"

Senator Donohue: "Senator, so far; up to this date, with the members of this Senate of both caucuses backing the Senate position, this is true, and I doubt if this is going to change very much in the next few days."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2700, and the bill passed the Senate by the following vote: Yeas, 30; nays, 9; excused, 9.

Voting yea: Senators Bausch, Bluechel, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Washington, Wilson—30.

Voting nay: Senators Beck, Bottiger, Clarke, Grant, Herr, Murray, Ridder, von Reichbauer, Wojahn—9.

Excused: Senators Benitz, Buffington, Day, Gaspard, Hayner, North, Pullen, Wanamaker, Woody—9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, Engrossed Substitute Senate Bill No. 2700 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 271.

SECOND READING

REENGROSSED HOUSE BILL NO. 271, by Representatives Adams, Kreidler, Fortson, Pearsall, Whiteside, Pruitt, Newhouse, Lux, May, Hanna, Haley, Charnley, Fischer, Gallagher, Grengo, McCormick, Moreau and Salatino:

Adopting procedures for the establishment of transfer and clinical training programs at the University of Washington school of medicine for Washington residents attending foreign medical schools.

REPORT OF STANDING COMMITTEE

May 25, 1977.

REENGROSSED HOUSE BILL NO. 271, adopting procedures for the establishment of transfer and clinical training programs at the University of Washington school of medicine for Washington residents attending foreign medical schools (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways and Means and Committee on Social and Health Services:

On page 4, section 3, line 25 after "1958" insert, ": PROVIDED FURTHER, That the provisions of chapter 43.74 RCW are hereby waived for any licensed medical practitioner with 5 years practical experience in medicine and surgery, osteopathy, osteopathy and surgery"

On page 5, line 36, after "representatives" strike "in January, 1979" and insert "by January 1, 1968"

On page 6, line 2, after "include" insert "the number of vacancies occurring in the third and fourth years of medical school."

On page 6, line 4, strike all of Section 8 and insert the following:

"NEW SECTION. Sec. 8. To carry out the provisions of Section 4 of the 1977 amendatory act, the University of Washington shall fill all vacancies occurring in the School of Medicine after the national boards examination, Part I, with qualified Washington State residents attending foreign medical schools. To carry out the provisions of Section 3 of this 1977 amendatory act, to provide supervised clinical training, the University of Washington shall fill all vacancies occurring after the third and before the fourth years of medical school with Washington State residents who meet the admission standards defined in Section 3 of this 1977 amendatory act: PROVIDED, That the University of Washington shall actively pursue and accept any federal funds available for the purposes described in this 1977 amendatory act."

Remember remaining sections consecutively.

On page 4, line 9, after "Upon the" insert "satisfactory"

On page 5, line 5, strike "qualified"

On page 5, line 26, after "school," insert "or other medical school in the United States,"

Signed by: Senators Clarke, Fleming, Grant, Jones, Marsh, Rasmussen, Ridder, Scott, Walgren, Washington.

The bill was read the second time by sections.

On motion of Senator Marsh, the amendment by the Committee on Ways and Means to page 4, line 25 was adopted.

Senator Donohue moved adoption of the amendment by the Committee on Ways and Means to page 5, line 36.

On motion of Senator Donohue, the following amendment to the Committee on Ways and Means amendment was adopted:

Amend the committee amendment to page 5, line 36, as follows: On the second line of the amendment, strike "1968" and insert "1978"

The motion by Senator Donohue carried and the amendment by the Committee on Ways and Means, to page 5, line 36, as amended, was adopted.

On motion of Senator Donohue, the amendment by the Committee on Ways and Means to page 6, line 2 was adopted.

Senator Donohue moved adoption of the amendment by the Committee on Ways and Means to page 6, line 4.

Senator Sandison moved adoption of the following amendment by Senators Sandison and McDermott to the amendment to page 6, line 4 of the Committee on Ways and Means amendment:

On the first line of the Committee Amendment to page 6, line 4, after "Section 8." strike the remainder of the Committee Amendment and insert:

"To carry out the provisions of Section 4 of this 1977 amendatory act, the University of Washington shall fill all vacancies occurring in the School of Medicine after the national boards examination, Part I, with qualified Washington State residents attending medical schools outside the state of Washington: PROVIDED, That in filling these vacancies, the University of Washington shall not discriminate against students attending foreign medical schools. To carry out the provisions of Section 3 of this 1977 amendatory act, to provide supervised clinical training, the University of Washington shall fill all vacancies occurring after the third and before the fourth years of medical school with Washington state residents attending medical schools outside the state of Washington: PROVIDED, That in filling these vacancies, the University of Washington shall not discriminate against students attending foreign medical schools: PROVIDED FURTHER, That the University of Washington shall actively pursue and accept any federal funds available for the purposes described in this 1977 amendatory act."

Renumber remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Scott yield to a question? Senator Scott, what is the difference here? To my understanding, isn't it a fact that these students, if not all of them, the majority of the students that have gone to Mexico to go to school, is it a fact that many of those students went there because they might not have been able to qualify for the UW medical school or some other medical school, and is it or is it not a fact that most of them, if not all of them didn't have to meet certain kinds of requirements, all they had to do is have enough money to pay—to get their way in? If that is the case, what is the difference of them buying their way into that school down there versus someone going to Georgetown that can afford it?"

Senator Scott: "Senator Fleming, I don't pose as an expert at this, and for reasons of past professional history, I would even prefer not to be involved in the issue, but in the interest of keeping the record straight, there have been innuendoes cast that one buys one's way into Guadalajara, to name another foreign medical school. In this whole controversy, however, it has never been proven, and so I think we have to leave the case open.

"Yes, these are students that, many of which might have applied to the University of Washington and didn't get in, but I could say to you at the same time that the University of Washington medical school has a hundred and seventy-five slots every year, and they get over twenty-five hundred applicants. They fill their classes with students, all of whom have more than a three point five college average and they are high on the national examination, medical school entrance examination, and are outstanding people in every other respect. The fact that you were not selected to go to the University of Washinton medical school does not mean that you are a slouch academically.

"On the other hand, people that are willing to put up with learning Spanish, put up with living under—you would have to say less desirable conditions in Mexico than Seattle, people that have proven that they will go the extra mile to get into the medical profession, I think that merits some consideration, too."

Further debate ensued.

POINT OF ORDER

Senator Talley: "I think these amendments entirely enlarge the scope and object of this bill. The bill was designed primarily to benefit a foreign medical student, and this brings it right back—you just completely destroy the intent of the bill."

Senator Herr moved the amendment by Senators Sandison and McDermott to the amendment by the Committee on Ways and Means to page 6, line 4 be laid upon the table.

Senator Walgren demanded a roll call and the demand was sustained by Senators Herr, Washington, Ridder, Beck, Lewis, Sellar, Talley, Bottiger and McDermott.

The President declared the question before the Senate to be the motion by Senator Herr that the amendment by Senators Sandison and McDermott to the amendment by the Committee on Ways and Means to page 6, line 4 be laid upon the table.

MOTION

Senator Mardesich moved the motion by Senator Herr also carry the committee amendment with the amendment by Senators Sandison and McDermott.

Debate ensued.

POINT OF ORDER

Senator Washington: "I raise the point of order. The ordinary rule is that when you make the motion to table it does not carry the bill with it. We have the motion, and I know of no point where a motion to table can be amended in the way that Senator Mardesich proposes. First we have to vote on the motion to amend."

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

ROLL CALL

The Secretary called the roll and the motion by Senator Herr carried by the following vote: Yeas, 20; nays, 19; absent or not voting, 1; excused, 9. (The President voted "aye").

The motion by Senator Donohue carried and the committee amendment to page 6, line 4 was adopted.

Senator Goltz moved adoption of the amendment by the Committee on Social and Health Services to page 4, line 9.

Debate ensued.

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

Senator Goltz moved adoption of the amendment by the Committee on Social and Health Services to page 5, line 5.

POINT OF INQUIRY

Senator Mardesich: "Does this mean a student who was not even able to complete the medical training in the Mexican school would have to be accepted?"

Senator Goltz: "No, it does not mean that, Senator Mardesich. What it tries to, I think, do is to take away the word 'qualified' where the word 'qualified' might be interpreted to mean that additional qualifications could be put upon the students. This says that the students have to be qualified by the conditions which follow. If you leave the word 'qualified' in in advance, it implies that further additions of qualification could be attached to that student's entry."

Senator Mardesich: "Well, then, he would pose a question. The subsections one, two, three and four have no relation to the work having been done in the other school except the fact that they may have been completed. The years of work may have been completed, and I think you can—I see what you are driving at, but wouldn't it be wiser to amplify what 'qualified' means instead?"

Senator Goltz: "My reading of the bill, Senator Mardesich, is that it does do that by going through one, two, three and four in sub—under the following conditions where the students have to meet those conditions."

Senator Mardesich: "All it says in one is he must have been a resident of the state. He must have successfully completed two years of academic training. I don't know what 'successful completion' means. Does that mean a C minus grade point average, or a D as long as he got through? I would rather amplify the word 'qualified.'"

Senator Goltz: "If you read all the way through those one, two, three and four you will see that the qualifications are spelled out. The only reason for striking 'qualified' in front of 'students' —I think I am repeating myself now, is to try to avoid the introduction of additional qualifications at the discretion of the University of Washington medical school. I hope you will support the striking of the word 'qualified' and adopt the amendment."

Debate ensued.

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

Senator Goltz moved adoption of the amendment by the Committee on Social and Health Services to page 5, line 26.

POINT OF ORDER

Senator Scott: "Mr. President, I would raise the point of order that this does, in effect, exactly the same thing as the Sandison amendment, and therefore we would be doing the same, raising the same question twice."

RULING BY THE PRESIDENT

President Cherberg: "The point of order as presented by Senator Scott is well taken. The two amendments are essentially the same, therefore the committee amendment is not in order."

The amendment by the Committee on Social and Health Services to page 5, line 26 was ruled out of order.

On motion of Senator Ridder, the following amendment by Senator Day was not adopted:

On page 2, line 19, after "purposes" and before the period insert ": PROVIDED, That he or she has registered at a foreign medical school prior to October 12, 1976"

Senator Goltz moved adoption of the following amendment by Senators Goltz and McDermott:

On page 5, line 24, after "any" insert "visiting"

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

MOTIONS

On motion of Senator Odegaard, Senator von Reichbauer was excused.

On motion of Senator Tatley, the rules were suspended, Reengrossed House Bill No. 271, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 271, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 9; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jones, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, Washington, Wilson, Wojahn—27.

Voting nay: Senators Donohue, Gould, Lewis, Mardesich, Morrison, Newschwander, Sandison, Sellar, Walgren—9.

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

Excused: Senators Benitz, Buffington, Day, Gaspard, Hayner, North, Pullen, von Reichbauer, Wanamaker, Woody—10.

REENGROSSED HOUSE BILL NO. 271, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ridder, Reengrossed House Bill No. 271, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Walgren, Senators Mardesich and Walgren replaced Senators Donohue and Odegaard as the Democratic members of the Conference Committee on Engrossed Substitute Senate Bill No. 3110.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

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

MESSAGE FROM THE HOUSE

June 11, 1977.

Mr. President: The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 2435 and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Thompson, Erickson and Chandler.

DEAN R. FOSTER, Chief Clerk.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate No. 2435 and the House amendments thereto: Senators Donohue, Scott and Odegaard.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 4:53 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Monday, June 13, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, June 13, 1977.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President that all Senators were present except Senators Buffington, Day, Fleming, Francis, Hayner, Herr, Mardesich, Matson, McDermott, Monohon, Scott, Sellar and Woody. On motion of Senator Jones, Senators Buffington, Matson, Scott and Sellar were excused. On motion of Senator Odegaard, Senators Day, Fleming, Francis, Herr, McDermott, Monohon and Woody were excused.

The Color Guard, consisting of Pages Paul Lund and Christine Sabella, presented the Colors. Reverend Stanley J. Workman, pastor of the Evergreen Christian Reformed Church of Olympia, offered the following prayer:

"SOVEREIGN GOD, ONCE AGAIN THIS MORNING WE PAUSE IN HUMILITY TO COME UNTO YOU IN A MOMENT OF PRAYER. AS ANOTHER LEGISLATIVE SESSION CONVENES WE CALL UPON YOU TO LOOK DOWN UPON EACH OF THESE OFFICIALS WHO COMPOSE THIS SENATE. GRANT THEM THE PHYSICAL ENERGY FOR ANOTHER WEEK'S WORK OF MEETINGS AND CAUCUSES. INSTILL IN THEM THE MENTAL SHARPNESS TO CONTINUE TO COMPREHEND THE ISSUES AS THEY ARE DEBATED. GIVE THEM THE WISDOM TO MAKE THE PROPER DECISIONS. KEEP THEIR CONSCIENCE SENSITIVE TO THE TRUTH AND TO WHAT IS RIGHT. ALMIGHTY GOD, WE WHO ARE DEPENDENT UPON YOUR GOODNESS AND LOVE MAKE THIS OUR EARNEST PRAYER THIS DAY. IN JESUS' NAME. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

June 10, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 2480 and the House amendments thereto, and the Speaker has appointed as members of the conference committee thereon: Representatives Lux, Charette and Bond.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has granted the request of the Senate for a conference on HOUSE BILL NO. 1284, and the Senate amendment thereto, and the Speaker has appointed as members of the conference committee thereon: Representatives Erickson, Sommers and Newhouse.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has granted the request of the Senate for a conference on HOUSE JOINT RESOLUTION NO. 7 and the Senate amendments thereto, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Hawkins, Fortson and Oliver.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 2516 and the Senate amendments thereto, and the Speaker has appointed as members of the conference committee thereon: Representatives Becker, Boldt and Amen.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 837 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 874 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 10, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1184 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 952 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 292, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 323, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 449, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 138 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 293, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 11, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 697 and has passed the bill with the Senate amendments.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 11, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 2382, and has granted said committee-the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 8, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 2382, Authorizing senior citizen passports for admission to and use of state parks, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill to read as follows:

"AN ACT Relating to state parks; and adding a new section to chapter 43.51 RCW.

NEW SECTION. Section 1. There is added to chapter 43.51 RCW a new section to read as follows:

(1) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall (a) entitle such person, and members of his camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(2) The commission shall grant a senior citizen's pass to any person who applies for the same and who meets the following requirements:

(a) The person is at least sixty-two years of age; and

(b) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(c) The person and his or her spouse have a combined income which would qualify the person for a property tax exemption pursuant to RCW 84.36.381, as now law or hereafter amended. The financial eligibility requirements of this subparagraph (c) shall apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(3) Each senior citizen's pass granted pursuant to this section shall, unless renewed, expire on January 1 of the next year following the year in which it was issued. Any application for renewal of a senior citizen's pass shall, for purposes of the financial eligibility requirements of this section, be treated as an original application.

(4) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability or who is entitled to benefits for permanent disability under RCW 71.20.015 and 72.33.020 due to unemployability full time at the minimum wage shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(5) All passes issued pursuant to this section shall be valid at all parks any time during the year: **PROVIDED**, That the pass shall not be valid for admission to concessionaire operated facilities.

(6) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(7) The commission shall adopt such rules and regulations as it finds appropriate for the administration of this section. Among other things, such rules and regulations shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a senior citizen's pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass."

Signed by: Senators von Reichbauer, Lewis and Gaspard; Representatives Hurley, North and Paris.

MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute Senate Bill No. 2382.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2143,
 SUBSTITUTE SENATE BILL NO. 2268,
 SENATE BILL NO. 2282,

SENATE BILL NO. 3015.

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391, by Committee on Social and Health Services (originally sponsored by Representatives Pearsall, Newhouse, Hanna and Lux):

Regulating audiologists and speech pathologists.

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 391 on second reading. The committee amendments were adopted on June 9, 1977 and the bill was held at that time.

On motion of Senator Beck, there being no objection, an amendment to page 10, line 22 on the desk of the Secretary of the Senate, was withdrawn.

Senator Beck moved adoption of the following amendment:

On page 1, beginning on line 17, strike all of subsection "(1)" and insert "(1) "Audiologist" means any person qualified by training or experience to specialize in the evaluation and rehabilitation of individuals whose communication is impaired in whole or in part by the hearing function."

Debate ensued.

The motion of Senator Beck failed and the amendment was not adopted.

On motion of Senator Beck, there being no objection, an amendment to page 2, beginning on line 21 on the desk of the Secretary of the Senate, was withdrawn.

On motion of Senator North, the rules were suspended, Engrossed Second Substitute House Bill No. 391, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wojahn: "Would Senator North yield to a question? When these people are tested in this van, what kind of a service do they provide for them then? In other words, do they tell them their hearing is impaired and they should do something about it, or do they refer them to a physician for medical reasons, or for what purpose? To just know that you have a hearing loss really would have little value unless there was some evaluation."

Senator North: "That is correct. Senator Wojahn, they do all of these things. If they can perceive that there is a medical problem they will refer them to a list of qualified physicians to attend to them. Not one, obviously, but a list so that they have their own choice of seeking out someone to help them if it is a medical problem. They are also given a list of hearing aid dispensers to consult and to work out on their own. There is no attempt to channel a person to a particular hearing aid dispenser or a particular hearing aid or a special doctor. In other words, you are given quite a long list to choose from so that there is no special protection or promotion here in this at all. And it is really to identify if there is a hearing problem. Do you need help? And then to suggest where you can go for that help."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: Would Senator Goltz yield? Senator Goltz, you mentioned that an audiologist or a pathologist, one of his duties might be to teach sign language. Does that mean then that a person who teaches sign language would have to be licensed as a pathologist or audiologist?"

Senator Goltz: "No, it does not mean that. It means that one of the duties or one of the functions that a speech pathologist-audiologist may be able to do is to teach sign language and other methods of communicating other than by speech."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 391, as amended by the Senate and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 13; absent or not voting, 2; excused, 11.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Gaspard, Gould, Henry, Jones, Keefe, Lewis, Marsh, Morrison, Murray, North, Peterson, Ridder, Sandison, von Reichbauer, Walgren, Wanamaker, Washington—22.

Voting nay: Senators Beck, Donohue, Goltz, Grant, Guess, Newschwander, Odegaard, Pullen, Rasmussen, Talley, Van Hollebeke, Wilson, Wojahn—13.

Absent or not voting: Senators Hayner, Mardesich—2. Excused: Senators Buffington, Day, Fleming, Francis, Herr, Matson, McDermott, Monohon, Scott, Sellar, Woody—11.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Goltz moved the Senate reconsider the vote by which Engrossed Second Substitute House Bill No. 391, as amended by the Senate, failed to pass the Senate.

MOTION

On motion of Senator Goltz, the motion for reconsideration will be considered under the eighth order of business on June 14, 1977.

PARLIAMENTARY INQUIRY

Senator Beck: "Would a motion to send this back to Social and Health Committee be in order at this time to clean this bill up?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Not until after it is reconsidered. Otherwise, it is formally dead. See the lilies."

MOTION

On motion of Senator Jones, Senator Hayner was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 936, by Committee on Local Government (originally sponsored by Representatives Owen and Patterson):

Authorizing cities and towns of less than eight thousand five hundred population to become a part of a rural county library district or intercounty rural library district.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 936 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 936, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 1; excused, 12.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Lewis, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—35.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Buffington, Day, Fleming, Francis, Hayner, Herr, Matson, McDermott, Monohon, Scott, Sellar, Woody—12.

SUBSTITUTE HOUSE BILL NO. 936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:40 a.m., on motion of Senator Walgren, the Senate recessed until 12:10 p.m.

NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:10 p.m.

MOTION

At 12:10 p.m. on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

President Pro Tempore Henry declared the Senate to be at ease.

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

MOTION

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

MESSAGE FROM THE HOUSE

June 11, 1977.

Mr. President: The House refuses to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1306, and asks the Senate for a conference thereon, and the Speaker has appointed as members of the conference

committee: Representatives Ehlers, Taller and Heck, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Second Substitute House Bill No. 1306 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 1306 and the Senate amendments thereto: Senators Sandison and Washington.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 13, 1977.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, and asks the Senate for a conference thereon, and the Speaker has appointed as members of the conference committee: Representatives Newhouse, Charette and Valle, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Engrossed Substitute House Bill No. 1120 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1120 and the Senate amendments thereto: Senators Gaspard, Benitz and Washington.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

June 13, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 2877, and has passed the bill as amended by the Free Conference committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 13, 1977.

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2877, revising laws on ethics and disclosure, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Grant, Goltz and Bluechel; Representatives Nelson, Fuller and Heck.

There being no objection, Senators Bausch and Donohue were excused.

MOTION

On motion of Senator Goltz, the report of the Free Conference Committee on Engrossed Substitute Senate Bill 2877 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2877, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; absent or not voting, 3; excused, 11.

vote: Yeas, 34; absent or not voting, 6; excused, 8.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Gaspard, Goltz, Grant, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—34.

Absent or not voting: Senators Bottiger, Gould, Murray—3.

Excused: Senators Bausch, Buffington, Day, Donohue, Fleming, Francis, Hayner, Herr, Matson, McDermott, Sellar—11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2877, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 13, 1977.

Mr. President: The House has receded from its amendment to page 36, line 3, to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2040, and has passed the bill without this amendment, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2040, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; nays, 5; absent or not voting, 3; excused, 11.

Voting yea: Senators Beck, Bluechel, Clarke, Gaspard, Goltz, Grant, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—29.

Voting nay: Senators Benitz, Guess, Newschwander, Rasmussen, Scott—5.

Absent or not voting: Senators Bottiger, Gould, Murray—3.

Excused: Senators Bausch, Buffington, Day, Donohue, Fleming, Francis, Hayner, Herr, Matson, McDermott, Sellar—11.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2040, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 13, 1977.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1310, and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Valle, Douthwaite and Zimmerman, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Washington, the request of the House for a conference on Substitute House Bill No. 1310 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1310 and the Senate amendments thereto: Senators Washington, Ridder and Murray.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Jones, Senator Murray was excused.

MOTION

At 5:22 p.m., on motion of Senator Walgren, the Senate was declared to be at case.

President Pro Tempore Henry called the Senate to order at 5:30 p.m.

MESSAGE FROM THE HOUSE

June 13, 1977.

Mr. President: The House has adopted the report of the Free Conference report on ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 13, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, establishing procedures for organization of minor political parties, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Grant, Beck and North; Representatives Hawkins and Nelson.

MOTION

Senator Grant moved the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2032 be adopted.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Grant yield? Senator Grant, when are these minority party conventions held?"

Senator Grant: "It is generally the third weekend in July. That is when they hold their convention, the minor parties. They can vote for— just as Democrats and Republicans can vote for anybody in the primary election. They can do that today."

Senator Rasmussen: "At the present time they have to hold their convention on primary day."

Senator Grant: "General election day."

Senator Rasmussen: "On primary day."

Senator Grant: "Excuse, me, yes."

Senator Rasmussen: "And as such they are then barred because they are nominating their candidate at that time so this, in effect, would be giving them two votes. They would be able to move over into either party and nominate by voting in the primary and then can hold their convention and nominate their own candidate. That gives them two votes in the primary, I do not know why they would agree to that."

POINT OF INQUIRY

BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Rasmussen, if I was listening correctly, I thought he said it had to be held before the filing. Is that correct?"

Senator Grant: "That is correct. The convention must be held before the filing of the major parties."

President Pro Tempore Henry: "So then, if they nominate their candidate that is not giving them two votes necessarily. It is before they file for office."

Senator Grant: "Assume, Senator Rasmussen, for the sake of an example, let us take a party, and maybe I can walk through this and clarify it. I might make it a little muddier too though. Assume that the American Independent Party wants to nominate somebody for Governor of the state of Washington. They must hold their convention and have one hundred and sixty people present from the state of Washington on the last Saturday preceding the first day of filing for the major parties. The major parties, as you know, file the last week in July. They hold their convention; they nominate their candidate; that candidate's name is placed on the primary election ballot, along with the Democrat and the Republican candidate, who file for office. All the Republican and Democratic candidates, major party candidates have to do is pay a filing fee to get on the ballot. So they are all three then on the primary election ballot and the party members can vote for judges of the Supreme Court; they can vote for the ballot issues that may be placed before them

at the primary election or they may, between the time of their convention and the primary election, determine that they want to vote for the Republican or Democrat and they can do that."

POINT OF INQUIRY

Senator Washington: "May someone who is not nominated in the minor party convention, can they file against the nominee who is nominated by the convention?"

Senator Grant: "There is no filing procedure for minor party candidates. They have to be nominated at the convention."

Senator Washington: "Do they have to get a percentage of the vote before they can get on the general ballot?"

Senator Grant: "Yes, they do. The party has to have one percent of the total vote cast for the position sought."

Senator Washington: "In the primary?"

Senator Grant: "That is correct."

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Grant yield to a series of questions? No, I just have one question. Would it be accurate to say that this is more stringent in most ways than present law but less stringent than the original version we voted on some time back in this session?"

Senator Grant: "It is somewhat more stringent than current law, yes. I think that is accurate to say, and I think I would also characterize it as less severe than the Senate version."

REMARKS BY SENATOR NORTH

Senator North: "To comment on the question raised by Senator Van Hollebeke, it is more strict in that twenty-five voters as the minimum from a particular legislative district, county commissioner district, must be there in attendance to sign and to nominate their particular candidate. At present there are no such limitations. There is one statewide convention and one hundred people who could conceivably nominate for every legislative district in the state without anybody living in that particular district. So on that point it is much more strict than the present situation."

Debate ensued.

The motion by Senator Grant carried and the report of the Free Conference Committee was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2032, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; nays, 3; absent or not voting, 4; excused, 11.

Voting yea: Senators Beck, Bluechel, Clarke, Donohue, Gaspard, Goltz, Grant, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—30.

Voting nay: Senators Guess, Pullen, von Reichbauer—3.

Absent or not voting: Senators Benitz, Bottiger, Gould, Sandison—4.

Excused: Senators Bausch, Buffington, Day, Fleming, Francis, Hayner, Herr, Matson, McDermott, Murray, Sellar—11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2032, as amended by the Free Conference Committee, having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

June 13, 1977.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3110 and the House amendment thereto, and the Speaker has appointed as members of the Conference Committee thereon: Representatives McKibbin, Warnke and Polk.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 68, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The House had adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 928, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 353, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on HOUSE BILL NO. 649, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 183, and has passed the bill as amended by Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

MOTION

At 5:43 p.m., on motion of Senator Walgren, the Senate recessed until 6:42 p.m.

EVENING SESSION

President Pro Tempore Henry called the Senate to order at 6:42 p.m.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Walgren, the Senate moved to reconsider the vote by which the conference was granted on Second Substitute House Bill No. 1306.

MOTION

On motion of Senator Walgren, the Senate refuses to recede from its position and again asks the House to concur in the Senate amendments to Second Substitute House Bill No. 1306.

MOTION

On motion of Senator Walgren, the Conference Committee appointees were discharged.

MOTION

At 6:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, June 14, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-SIXTH

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 14, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Buffington, Donohue, Hayner, Matson, McDermott, Peterson and Rasmussen. On motion of Senator Jones, Senators Buffington and Matson were excused.

The Color Guard, consisting of Pages Maribeth Burns and Dan Carter, presented the Colors. Reverend Stanley J. Workman, pastor of the Evergreen Christian Reformed Church of Olympia, offered the following prayer:

"OUR FATHER WHO ART IN HEAVEN, HEAR THIS OUR PRAYER AT THE BEGINNING OF ANOTHER SESSION OF THE SENATE. WE, THE MEN AND WOMEN, THAT COMPOSE THIS BODY COME TO YOU THIS MORNING OUR ALL KNOWING, ALL WISE AND ALL POWERFUL GOD, TO SEEK YOUR BLESSING AND GUIDANCE. WE ASK OF YOU THIS DAY FOR WISDOM, UNDERSTANDING AND PERSONAL PEACE AND CONTENTMENT. WE ASK THESE THINGS BECAUSE YOUR WORD HAS TOLD US THAT IF WE SEEK THESE THINGS, YOU WILL GIVE THEM TO US. THEREFORE, OH OUR GOD, FOR THESE MEN AND WOMEN OF ELECTED OFFICE, WHO MUST MAKE DECISIONS THAT AFFECT OUR LIVES, WE PRAY FOR THESE SPECIAL GIFTS. GRANT WHAT EACH PERSON HERE PRESENT STANDS IN NEED OF THIS DAY. IN JESUS' NAME. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

June 13, 1977.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1265, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 581 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 2608, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 2143, SUBSTITUTE SENATE BILL NO. 2268, SENATE BILL NO. 2282, SENATE BILL NO. 3015, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 743, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 293, SECOND SUBSTITUTE HOUSE BILL NO. 449, SUBSTITUTE HOUSE BILL NO. 697, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 1184, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 105, SUBSTITUTE HOUSE BILL NO. 217, SUBSTITUTE HOUSE BILL NO. 564, SUBSTITUTE HOUSE BILL NO. 656, SUBSTITUTE HOUSE BILL NO. 674, SUBSTITUTE HOUSE BILL NO. 837, SECOND SUBSTITUTE HOUSE BILL NO. 874, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 105,
SUBSTITUTE HOUSE BILL NO. 217,
SUBSTITUTE HOUSE BILL NO. 293,
SECOND SUBSTITUTE HOUSE BILL NO. 449,
SUBSTITUTE HOUSE BILL NO. 564,

SUBSTITUTE HOUSE BILL NO. 656,
 SUBSTITUTE HOUSE BILL NO. 674,
 SUBSTITUTE HOUSE BILL NO. 697,
 SUBSTITUTE HOUSE BILL NO. 837,
 SECOND SUBSTITUTE HOUSE BILL NO. 874.
 SUBSTITUTE HOUSE BILL NO. 1184.

MOTION

At 10:09 a.m., on motion of Senator Marsh, the Senate was declared to be at case.

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

REPORT OF CONFERENCE COMMITTEE

June 13, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1310 as amended by the Senate, defining "date of filing" with regard to a permit for a variance or a conditional use under the shoreline management act, have had the same under consideration, and we report that we cannot agree, and respectfully request the powers of Free Conference to recommend the following:

That the Senate amendments not be adopted, and the following substitute amendments be adopted:

On page 5, line 31, after "1969" strike "~~(t,)~~"; or" and insert "; ~~((or))~~ and"

Beginning on page 5, line 32, after "(b)" strike all material down to and including "(e)" on page 6, line 7, and insert:

~~"((i) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and~~

~~(ii) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and~~

~~(iii) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and~~

~~(iv))"~~

Signed by: Senators Washington, Ridder and Murray; Representatives Valle, Douthwaite and Zimmerman.

MOTION

On motion of Senator Washington, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 1310.

REPORT OF CONFERENCE COMMITTEE

June 6, 1977.

Mr. Speaker:
Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 120, establishing a business license center, have had the same under consideration, and we recommend that the bill do pass as amended by the Senate.

Signed by: Senators Van Hollebeke, Morrison and Wojahn; Representatives Warnke, Salatino and Shinoda.

MOTION

On motion of Senator Van Hollebeke, the report of the Conference Committee on Substitute House Bill No. 120 was adopted.

MOTIONS

On motion of Senator Odegaard, Senators Bausch, Fleming, Gaspard, Keefe, McDermott, Sandison, von Reichbauer and Woody were excused.

On motion of Senator Jones, Senator Hayner was excused.

REPORT OF CONFERENCE COMMITTEE

June 13, 1977.

Mr. President:
Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120 as amended by the Senate, enacting an alternative to Initiative 59, have had the same under consideration, and we report that we cannot agree, and respectfully request the powers of Free Conference to recommend the following:

That the Senate amendments be adopted with the following amendments:

On page 1 of the Senate amendments, beginning on line 6, strike all of section 1, and renumber the remaining sections consecutively.

On page 2 of the Senate amendments, line 38, strike "registered mail" and insert "certified mail, with acknowledgment of receipt of summons executed by defendant required."

Amend the title — On page 3 of the Senate amendments, beginning on line 26, strike "amending section 14, chapter 117, Laws of 1917 and RCW 90.03.110;"

Signed by: Senators Gaspard, Benitz and Washington; Representatives Charrette, Newhouse and Valle.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 1120.

MESSAGE FROM THE HOUSE

June 13, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2185, and has passed the bill as

amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 9, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2185, permitting aliens to teach in the common school system, that the bill be amended as recommended by the Conference Committee.

Signed by: Senators McDermott, Hayner and Sandison; Representatives Eng, Bender and Schmitten.

MOTION

On motion of Senator Gould, the report of the Free Conference Committee on Engrossed Senate Bill No. 2185 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2185, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; nays, 10; absent or not voting, 1; excused, 11.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Day, Donohue, Francis, Goltz, Gould, Grant, Henry, Jones, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Peterson, Ridder, Talley, Walgren, Washington, Wilson, Wojahn—26.

Voting nay: Senators Clarke, Guess, Newschwander, Odegaard, Pullen, Rasmussen, Scott, Sellar, Van Hollebeke, Wanamaker—10.

Absent or not voting: Senator Herr—1.

Excused: Senators Bausch, Buffington, Fleming, Gaspard, Hayner, Keefe, Matson, McDermott, Sandison, von Reichbauer, Woody—11.

ENGROSSED SENATE BILL NO. 2185, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

June 13, 1977.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 138,

SUBSTITUTE HOUSE BILL NO. 323,

THIRD SUBSTITUTE HOUSE BILL NO. 371, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 13, 1977.

Mr. President: The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 292,

SUBSTITUTE HOUSE BILL NO. 353, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 138,
 SUBSTITUTE HOUSE BILL NO. 292,
 SUBSTITUTE HOUSE BILL NO. 323,
 SUBSTITUTE HOUSE BILL NO. 353,
 THIRD SUBSTITUTE HOUSE BILL NO. 371.

MESSAGE FROM THE HOUSE

June 10, 1977.

Mr. President: The House has passed: REENGROSSED SUBSTITUTE SENATE BILL NO. 2034 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. There is added to chapter 29.01 RCW a new section to read as follows:

As used in this title:

(1) "Ballot" shall mean a paper ballot, a voting machine diagram, a ballot label, a ballot book, a ballot page, or any combination thereof as the context may imply;

(2) "Paper ballot" shall mean a piece of paper whereon the candidates and measures to be voted upon for a particular election or a primary appear and upon which a voter may directly indicate a vote for any candidate or for or against any measure;

(3) "Voting machine diagram" means an illustration of a voting machine complete with ballot labels prepared for a particular election or a primary;

(4) "Ballot card" means any type of tabulating card or cards or ballots of any size upon which the voter records his vote and shall also include either a security flap or an envelope issued to each voter at ballot card precincts for the voter to conceal his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;

(5) "Ballot label" means the card or paper containing the names of offices and candidates and the statements of measures to be voted upon;

(6) "Ballot page" means the pages on the vote recorder used to display the printed ballot titles and the names of candidates together with properly aligned numbers of response positions;

(7) "Chad" means the piece of material which is removed or partially removed when punching a hole or notch in a prescored ballot card.

Sec. 2. Section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be his duty to provide places for holding such primaries and elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books, or precinct lists of registered voters, and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such primaries and elections in the manner provided by law((:)); PROVIDED, That notice of a general election held in an even-numbered year shall indicate that the office of precinct committeeman will be on the ballot; and to apportion to each city, town, or district, its share of the expense of such primaries and elections: PROVIDED, That this section shall not apply to general or special elections for any city, town, or district which is not subject to RCW 29.13.010 and 29.13.020, but all such elections shall be held and conducted at the time, in the

manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

Sec. 3. Section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or

(6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

Sec. 4. Section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct shall contain more than three hundred voters. (~~If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the county legislative authority if it is any other precinct.~~) The ~~((city council of the first class city or the))~~ county legislative authority ~~((as the case may be, shall))~~ may divide, alter, or combine precincts so that, whenever practicable ~~((such))~~, over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth~~((, subject to the requirements and limitations of subsection (2) of this section))~~.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: PROVIDED, HOWEVER, That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the ~~((September))~~ primary election and ending with the day of the ~~((November))~~

general election ((held in the even-numbered years: ~~PROVIDED FURTHER, That no precinct boundaries shall be changed nor shall any precinct be created, divided, abolished, or consolidated during the period between February 1st of any year whose last digit is seven and December 1st of any year whose last digit is one, except whose boundaries are changed due to annexation or detachment~~)).

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters(~~(, subject to the requirements and limitations of subsection (2) of this section)~~): ~~PROVIDED, That ((the counties shall make such changes in the size of the precincts in anticipation of future growth, subject to the requirements and limitations of subsection (2) of this section: PROVIDED FURTHER, That))~~ there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

~~((4) Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, by voting machines, or by voting devices. In the instance of a voting machine or voting device precinct, the county auditor shall also indicate the number of such machines or devices used so that the secretary of state will be able to determine that the requirements of this section are being honored.))~~

On petition of ~~((ten))~~ twenty-five or more voters resident more than ten miles from any place of election, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall establish a separate voting precinct therefor(~~(, subject to the requirements and limitations of subsection (2) of this section)~~).

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

Sec. 5. Section 29.04.055, chapter 9, Laws of 1965 as amended by section 1, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.055 are each amended to read as follows:

At any ~~((primary, regular, or special county, city, town, or district))~~ election, general or special, or at any primary, the election authority ~~((of any such municipality or district))~~ may combine, unite, or divide precincts for the purpose of holding such election: ~~PROVIDED, That in the event such election shall be held upon the day of any state primary or state general election held in an even-numbered year this section shall not apply.~~

NEW SECTION. Sec. 6. In all counties, all voters shall be registered in accordance with the provisions of this chapter. For the purpose of this chapter, "county auditor" shall have the meaning ascribed to that term by RCW 29.04.095(1). The county auditor shall be responsible for the conduct of voter registration within the county and shall be the custodian of all official voter registration records for that county.

NEW SECTION. Sec. 7. The secretary of state shall design a unified voter registration form, compatible with existing records, which will permit the applicant to conveniently prepare, on a single card, an original registration, an initiative signature card as required by section 14 of this 1977 amendatory act, and a cancellation of any prior registration in this state. The applicant shall enter the required information, other than his or her signature, no more than one time. The form shall also contain instructions on its use, a notification of filing deadlines specified by section 16 of this 1977 amendatory act, a warning to the applicant of the penalty for knowingly supplying false information, and space for the county auditor to enter the voter's precinct identification, taxing district identification, and registration number. The reverse side of the form shall be printed to permit mailing to the county auditor.

NEW SECTION. Sec. 8. Registration forms necessary to carry out the registration of voters as provided by this chapter shall be furnished by the secretary of state without cost to the respective counties.

NEW SECTION. Sec. 9. The original voter registration records for all precincts within each county shall be filed alphabetically without regard to precincts in the office of the county auditor and shall not be open to public inspection. The information from such records, with the exception of date of birth, shall be available for public inspection and copying as provided in RCW 29.04.100 and 29.04.110.

NEW SECTION. Sec. 10. Each county auditor shall maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county. Where it is necessary or advisable, the auditor may provide for the maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as now or hereafter amended. The computer file shall include, but not be limited to, each voter's name, residence address, sex, date of registration, applicable taxing district and precinct codes, and the last five consecutive dates on which the individual has voted: **PROVIDED,** That if the voter has not voted at least five times since establishing his or her current registration record, only the available dates shall be included. The county auditor shall subsequently record each consecutive date upon which the individual votes and retain at least the last five such consecutive dates. The computer file of voter registration records shall be arranged so that individual precinct lists of registered voters may be prepared containing only the names, and other information required by this section, listed alphabetically by the surnames of the voters in that precinct.

NEW SECTION. Sec. 11. There is established in the state general fund an account, entitled the voter registration assistance account, to be used to compensate county auditors in counties with fewer than twelve thousand registered voters at the time of the most recent state general election, for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems. The secretary of state shall administer the voter registration assistance account and authorize the payments therefrom under such rules as he may prescribe. County auditors in counties entitled to this compensation shall be paid annually an amount equal to thirty cents for each registered voter in that county at the time of the most recent state general election.

NEW SECTION. Sec. 12. The expense of voter registration and the maintenance of voter registration records shall be apportioned between the county and the cities and towns within that county according to the number of voters registered in all rural areas of the county and in each city and town, respectively, at the time of the last state general election.

NEW SECTION. Sec. 13. The county auditor shall be responsible for the distribution of voter registration forms by which a person may register to vote and cancel any previous registration in the state. Registrations submitted on such voter registration forms need not be subscribed to by the county auditor or a deputized registrar. The county auditor shall keep an adequate supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and he or she shall make every effort to make these forms generally available to the public through government offices, businesses, labor union offices, schools, and any other locations necessary to extend registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, it shall be the duty of a representative designated at that location by that office, business, union, school, firm, or other establishment to notify the county auditor of the need for additional supplies of voter registration forms.

NEW SECTION. Sec. 14. An applicant for registration shall record on the registration form the following items concerning his or her qualifications as a voter of this state, and of the county, city, town, and precinct in which he or she applies for registration:

(1) The address of his or her last former registration as a voter in this state, if applicable;

(2) His or her full name;

(3) His or her sex;

(4) His or her date of birth;

(5) His or her place of residence for voting purposes, giving the street and number, or post office box and physical description sufficient to determine location; and

(6) His or her daytime telephone number, if any. After completing this information concerning his or her qualifications, the applicant shall sign a statement in the following form: "I, the undersigned, hereby declare that the facts set forth relating to my qualifications as a voter are true. I further declare that I am a citizen of the United States, that I am not presently denied my civil rights as a result of being convicted of an infamous crime, that I will have lived in this state, county, and precinct thirty days immediately preceding the next election at which I offer to vote, and that I will be at least eighteen years of age at the time of voting."

The applicant shall also sign his or her name upon a separate portion of the voter registration card, to be designated as an initiative signature card, which also contains spaces for his or her surname, followed by his or her given name or names, the name of the county and city or town, with post office or street address, the date on which the individual registered, and the name or number of the precinct in which the voter is registered.

The voter registration form shall provide, in a conspicuous place, the following warning: "Any person who knowingly supplies false information on this voter registration form or who knowingly makes a false declaration as to his or her qualifications for registration shall be guilty of a class C felony."

NEW SECTION. Sec. 15. Upon receipt of a completed voter registration form, the county auditor shall immediately examine the form to see that the applicant for registration is not currently registered in that county and shall record on the form the precinct identification, taxing district identification, and other information required by law. Except as provided in section 16 of this 1977 amendatory act, the county auditor, within thirty days of receipt of a voter registration form, shall send to the applicant by first class mail a voter registration card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state. If the voter registration form is incomplete or incorrect the county auditor, within fifteen days of receipt of such form, shall so notify the applicant, and if necessary, send him or her a new voter registration form. The post office shall be instructed not to forward this form or any voter registration card to any other address and to return to the county auditor all undelivered forms and voter registration cards.

NEW SECTION. Sec. 16. To be included among the records of a given precinct for any primary or election, the applicant's voter registration form must be received not later than thirty days prior to that primary or election. An applicant for voter registration whose otherwise complete and correct application is received less than thirty days prior to a primary or election shall be notified by the county auditor that he or she is not eligible to vote in such primary or election at a regular precinct polling place, explaining that he or she may vote an absentee ballot for said primary or election under section 19 of this 1977 amendatory act.

NEW SECTION. Sec. 17. At least thirty-five days prior to each primary or election, the county auditor shall give notice that, in order to be eligible to vote in

that election at a regular precinct polling place, an original voter registration form or a request for transfer must be received not later than thirty days prior to that primary or election.

NEW SECTION. Sec. 18. Any qualified elector temporarily residing outside of the county of his or her permanent residence but within the state of Washington, may submit a registration form to the auditor of the county in which he or she is temporarily residing in the manner provided in this chapter. The county auditor receiving the voter registration forms as provided in section 15 of this 1977 amendatory act shall transmit the forms to the county auditor of the county where the applicant permanently resides. A voter registration form received from another county shall be processed immediately by the county auditor of the place of permanent residence of the applicant in the manner provided in sections 15 and 16 of this 1977 amendatory act.

NEW SECTION. Sec. 19. Any otherwise qualified elector whose otherwise complete and correct application for voter registration is received by the county auditor less than thirty days prior to a primary or election, general or special, may apply prior to the day of any such primary or election in person to the office of the county auditor of the county of his or her residence for a special absentee ballot for such election or primary. The auditor shall register the individual in the manner provided in this chapter, but the registration shall not be effective until thirty days after its execution. The auditor, after the twenty-first day before the election in which the individual intends to vote, shall issue the individual an absentee ballot for any election which occurs before the effectiveness of the individual's registration. This absentee ballot shall be of the same form and shall be processed and canvassed in the same manner as other absentee ballots under chapter 29.36 RCW, as now or hereafter amended.

NEW SECTION. Sec. 20. On the first Monday of each calendar month the county auditor shall transmit all initiative signature cards which have been received in his or her office during the prior month to the secretary of state for filing in his office. Each lot must be accompanied by the certificate of the county auditor that the cards so transmitted are the original cards, and that the voters are registered in the precincts and from the addresses shown thereon.

NEW SECTION. Sec. 21. The initiative signature cards shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions. They shall not be open to public inspection or be used for any other purpose.

NEW SECTION. Sec. 22. Prior to each primary or election, the county auditor shall prepare a precinct list of registered voters for each precinct in which that primary or election is to be conducted and a certificate as to the authenticity of those records. He or she shall deliver the precinct list of registered voters and the certificate to the inspector or one of the judges of the appropriate precinct at the proper polling place as provided by RCW 29.48.030, as now or hereafter amended.

NEW SECTION. Sec. 23. The precinct list of registered voters for each precinct, delivered to the precinct election officers for use on the day of a primary or an election held in that precinct, shall be returned by them to the county auditor upon the closing of the polling place or at the completion of the count of the votes cast in that precinct at the primary or election. The lists shall be retained by the county auditor for a period of at least one year following the election. These records shall be open to public inspection under such rules as the county auditor may prescribe.

NEW SECTION. Sec. 24. The secretary of state, as chief election officer, shall adopt rules not inconsistent with the provisions of this chapter to:

(1) Provide the specifications, including style, form, color, quality, and dimensions of the cards, records, forms, lists, and other supplies to be used in recording and maintaining voter registration records;

(2) Establish standards and procedures for the maintenance of voter registration records on electronic data processing systems and the use of voter registration information in the conduct of elections; and

(3) Facilitate the registration of voters in an orderly manner and assist county auditors in the performance of their responsibilities under this chapter.

He or she shall provide planning, coordination, training, and other assistance to county auditors to facilitate the maintenance of voter registration records on electronic data processing systems and the use of voter registration in the conduct of elections.

NEW SECTION. Sec. 25. Sections 6 through 24 of this 1977 amendatory act shall constitute a new chapter in Title 29 RCW.

Sec. 26. Section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county, shall be required to register anew. Before registering anew, the voter shall sign an authorization to cancel his or her present registration in substantially the following form: "I hereby authorize the cancellation of my registration in precinct of county." Such authorization shall be (~~filed with the registration officer before whom the voter registers anew, and shall be~~) forwarded promptly to the (~~registrar~~) county auditor of the county in which the voter was previously registered. Upon the receipt of such authorization, the (~~registrar~~) county auditor of the county where the previous registration was made, shall cause the signature on the authorization to be compared with the signature on the registration (~~forms~~) record of such voter, and if it appears that the signatures were made by the same person, the former registration record shall be canceled forthwith (~~; but if it shall not so appear, it shall be the duty of the registrar receiving such authorization to notify the registrar of the county forwarding such authorization of the apparent fraud, and the registrar receiving such notification shall cancel the new registration, and note on the cards or forms the reason for such cancellation, and shall notify the person so registered anew, by mail of such cancellation and the reason therefor~~).

Sec. 27. Section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.080 are each amended to read as follows:

(~~On the first day of April of each odd-numbered year, or as soon thereafter as is practicable, every~~) (1) After each state general election and prior to January 1st of the next calendar year, the county auditor shall (~~examine the registration records in his custody, and if, from such examination, he finds that~~) cancel the voter registration record of any registered voter (~~has failed, for a period of thirty months preceding April 1st of said odd-numbered year to vote in at least one election, he shall remove the registration cards of such voter from the original and duplicate files, and cancel the same by entering thereon over his signature the words "canceled for failure to vote for thirty months" and the date of such cancellation or shall remove the name and other registration information of such voter from the registration lists of the county and place them on a list identified with the date of cancellation and the words, "canceled for failure to vote for thirty months"~~) who fails to meet the requirements of subsection (2) of this section for retaining registered status. He shall (~~also~~) notify the voter whose registration has been canceled, by mail, at his last registration address, of the fact that his registration has been canceled, and that he will not be entitled to vote at any election until he has registered anew. No voter's registration shall be canceled if his original registration was made less than (~~thirty~~) twenty-four months prior to the cancellation date. The secretary of state shall be notified immediately of all such cancellations.

(2) A registered voter shall retain such status by either having voted at (a) any election, general or special, or at any primary within the past twenty-four months, or (b) the most recent presidential election.

Sec. 28. Section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120 are each amended to read as follows:

On or before ~~((August))~~ March 1st of ~~((the odd-numbered))~~ each year, each county auditor shall execute a sworn statement and file same with the secretary of state within ten days after date of execution. Said statement shall be furnished by the office of secretary of state and shall be in substantially the following form:

State of Washington }
County of } ss.

I,, do solemnly swear that I have caused to be examined the permanent voting record of each registered voter under my jurisdiction and have canceled those registrations of said voters who have failed to cast a ballot at any election held during the ~~((thirty))~~ twenty-four month period immediately prior to the first day of ~~((April))~~ January of this year, or at the last presidential election, as provided by law.

Further, the number of said cancellations totaled, A notice has been mailed to each elector concerned and the office of the secretary has been notified of said cancellations ~~((as reported on Permanent Registration Form No. 8)).~~

.....
(Signature) (Title)
Subscribed and sworn to.

Sec. 29. Section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070 are each amended to read as follows:

Nominating primaries for general elections to be held in November shall be held at the regular polling places in each precinct on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first.

Sec. 30. Section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040 are each amended to read as follows:

~~((+))~~ Declarations of candidacy shall be filed as follows:

~~((a))~~ (1) For state offices, United States senate, United States house of representatives, and the state legislature and superior court when electors from a district comprising more than one county vote upon the candidates, in the office of the secretary of state(:);

~~((b))~~ (2) For all other offices, ~~((except city and town offices,))~~ when electors from only one county vote upon the candidates, in the office of the county auditor.

~~((c) For city and town offices, in the office of the city clerk-~~

~~((z))~~ Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall forward to the public disclosure commission a copy of each declaration of candidacy filed in his office during such filing period or a list containing the name of each candidate who files such a declaration in his office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.

Sec. 31. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the ~~((clerk thereof))~~ county auditor not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010, as now or hereafter amended, shall file their declarations of candidacy with the county auditor of the county not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

~~((The city and town clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates to be voted on thereat as represented by the declarations of candidacy filed in their offices.))~~

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100: PROVIDED, That no filing fee shall be charged in the event that the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five day period throughout the state of Washington for filing declarations of candidacy.

Sec. 32. Section 1, chapter 130, Laws of 1967 ex. sess. and RCW 29.21.330 are each amended to read as follows:

Not less than ten days before the time for filing declarations of candidacy for election as freeholders under Article XI, section 4, of the state Constitution, and after the county ~~((commissioners have))~~ legislative authority has determined the number of positions to be filled in either the legislative or county commissioner districts, the county auditor shall designate the positions to be filled by consecutive number, commencing with one. The positions to be designated shall be dealt with as separate offices for all election purposes, and each candidate shall file for one, but only one, of the positions so designated.

In the printing of ballots, the positions of the names of candidates for each numbered position shall be changed as many times as there are candidates for the numbered position, following insofar as applicable the procedure provided for in RCW 29.30.040 as now or hereafter amended for the rotation of names on primary ballots, the intention being that ballots at the polls will reflect as closely as practicable the rotation procedure as provided for herein.

NEW SECTION. Sec. 33. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot pages for primary, general, or special elections in counties using voting devices shall be uniform in color and size, shall be white, and shall be printed in black ink. The first page shall be identified at the top with the name of the election, the county in which the ballot page is to be used, and the date of the election. On the front of the first ballot page or prominently displayed on each voting device to be used at a primary, general, or special election, there shall be printed instructions

directing the voters how to properly record a vote for any candidate and for or against any measure. Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names to the immediate right are candidates, and below the name of the office or position the words, "Vote for", then the words "One", "Two", or a spelled number designating how many persons under that head are to be voted for. Immediately to the right of the name of the office or position shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with an arrow or other notation at the right edge of the ballot page indicating where the voter is to punch or otherwise mark his ballot for that candidate. Each position with the names running for that office, shall be separated from the following one by a bold line. All ballot cards for primary elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards in the same precinct.

NEW SECTION. Sec. 34. There is added to chapter 29.30 RCW a new section to read as follows:

In precincts using voting devices and on absentee ballots designed to be tabulated on a vote tallying system, the positions or offices on a state primary ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions appearing the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any. Unless otherwise specified by law, the names shall be listed in order of filing. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot card or envelope.

NEW SECTION. Sec. 35. There is added to chapter 29.30 RCW a new section to read as follows:

The form of a ballot page for a primary election shall be substantially as follows:

PRIMARY ELECTION BALLOT

..... County
(Date of primary)

To vote for a candidate or for or against a measure, punch through the ballot card in the hole to the RIGHT of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope.

.....		
UNITED STATES SENATOR	(Name of candidate)	(Party)——>
	(Name of candidate)	(Party)——>
Vote for one	(Name of candidate)	(Party)——>

UNITED STATES REPRESENTATIVE	(Name of candidate)	(Party)——>
	(Name of candidate)	(Party)——>
Vote for one	(Name of candidate)	(Party)——>

(and so on with the other officers in order.)

NEW SECTION. Sec. 36. There is added to chapter 29.30 RCW a new section to read as follows:

In primary elections in precincts where votes are cast on voting devices, unless otherwise required, the names of candidates for each office or position shall be first arranged beside each office heading in the order in which their declarations of candidacy were filed. Additional sets of ballot pages for the voting devices shall be printed in which the positions of the names of all candidates for each such office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. In making the changes of position between each set of ballot pages, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved to the position previously occupied by the name of the preceding candidate under that office heading in the order of filing for such office. After the required sets of ballot pages are printed, they shall be allocated among the various voting devices throughout the county in such a manner that each rotation will be utilized by a nearly equal number of registered voters. The maximum variation between the number of registered voters allocated to any two sets of rotated ballot pages shall not exceed ten percent of the total number of registered voters in the county, with the count taken at the close of the filing period: **PROVIDED**, That this ten percent restriction shall not apply to counties with fewer than twenty-five precincts.

NEW SECTION. Sec. 37. There is added to chapter 29.30 RCW a new section to read as follows:

In counties or portions of counties using absentee ballots designed to be tabulated on a vote tallying system, on or before the fifteenth day before a primary or an election, the county auditor shall prepare sample ballots which he shall display in a conspicuous place in his office for public inspection. Sample ballots shall be substantially in the same form as the official ballot pages but the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed, except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

NEW SECTION. Sec. 38. There is added to chapter 29.30 RCW a new section to read as follows:

In counties using absentee ballots designed to be tabulated on a vote tallying system, at least twenty days before any primary, each county auditor shall have prepared a sufficient number of such absentee ballots for use by absentee voters.

NEW SECTION. Sec. 39. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot pages for general elections shall be of the same size for each and every precinct within a county, shall be of a good quality paper, and the names shall be printed thereon in black ink.

NEW SECTION. Sec. 40. There is added to chapter 29.30 RCW a new section to read as follows:

When voting devices are used, the candidates for partisan offices shall be listed on the ballot pages at the general election in the following manner: The candidate or

candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first beside the office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state. The candidates for nonpartisan offices shall be listed in the manner otherwise provided by law. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot card or envelope.

NEW SECTION. Sec. 41. There is added to chapter 29.30 RCW a new section to read as follows:

The arrangement of the ballot pages used in general elections shall conform as nearly as possible to the following form:

GENERAL ELECTION BALLOT

..... County
(Date of election)

To vote for a candidate or for or against a measure, punch through the ballot card in the hole to the right of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope.

(Here place any state measures to be voted on.)

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES	(Name of candidate) and (Name of candidate)	} (Party)——>
	(Name of candidate) and (Name of candidate)		} (Party)——>
Vote for one	(Name of candidate) and (Name of candidate)	} (Party)——>
UNITED STATES SENATOR	(Name of candidate)	(Party)——>
	(Name of candidate)	(Party)——>
Vote for one	(Name of candidate)	(Party)——>

(Other partisan offices follow on the ballot in the same form.)

NONPARTISAN BALLOT

SUPERINTENDENT OF PUBLIC INSTRUCTION	(Name of candidate)	Nonpartisan——>
	(Name of candidate)	Nonpartisan——>
Vote for one		

JUSTICE OF THE SUPREME COURT POSITION.....	(Name of candidate)	Nonpartisan—>
Vote for one	(Name of candidate)	Nonpartisan—>

(Other nonpartisan offices follow on the ballot in the same form.)

NEW SECTION. Sec. 42. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot labels for primary elections in counties using voting machines shall be uniform in color and size, shall be white and printed in black ink. The following instructions shall be prominently displayed in the polling place: "Move the handle of the machine to the RIGHT as far as it will go and leave it there. To vote on measures, pull the lever down over the 'Yes' or 'No' and leave it there. To vote for a candidate, pull the lever down over the name of each candidate you wish to vote for and leave it there. Move the handle of the machine to the LEFT as far as it will go and you have voted." Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names beneath such designation are candidates, and below the office designation the words, "Vote for", then the words "One", "Two", or a spelled number designating how many persons under that head are to be voted for. Below this shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan". Each position with the names running for that office, shall be separated from the adjacent ones by a bold line.

NEW SECTION. Sec. 43. There is added to chapter 29.30 RCW a new section to read as follows:

In precincts using voting machines the positions or offices on a state primary ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions appearing on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any. Unless otherwise specified by law, the names shall be listed in order of filing. The voting machine shall provide blank spaces for writing in the name of any candidate, if desired.

NEW SECTION. Sec. 44. There is added to chapter 29.30 RCW a new section to read as follows:

The form of primary ballots in precincts where voting machines are used shall be substantially as follows:

PRIMARY ELECTION BALLOT

..... County
(Date of primary)

(Here place any state or local measure to be voted on.)

UNITED STATES
SENATOR

Vote for one

UNITED STATES
REPRESENTATIVE

..... District
Vote for one

(Name of Candidate) (Party)	(Name of Candidate) (Party)
(Name of Candidate) (Party)	(Name of Candidate) (Party)
(Name of Candidate) (Party)	(Name of Candidate) (Party)

(Other offices follow to the right in order.)

NEW SECTION. Sec. 45. There is added to chapter 29.30 RCW a new section to read as follows:

In primary elections in precincts where votes are cast on voting machines, unless otherwise required by law, the names of candidates for each office or position shall be first arranged under each office heading in the order in which their declarations of candidacy were filed. Additional sets of ballot labels shall be printed in which the positions of the names of all candidates for each such office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. In making the changes of position between each set of ballot labels, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved to the position previously occupied by the name of the preceding candidate under that office heading in the order of filing for such office. After the required sets of ballot labels are printed, they shall be allocated among the various voting machines throughout the county in such a manner that each rotation will be utilized by a nearly equal number of registered voters. The maximum variation between the number of registered voters allocated to any two sets of rotated ballot labels shall not exceed ten percent of the total number of registered voters in the county, with the count taken at the close of the filing period: PROVIDED, That this restriction shall not apply to counties with fewer than twenty-five precincts.

NEW SECTION. Sec. 46. There is added to chapter 29.30 RCW a new section to read as follows:

In counties or portions of counties using voting machines, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a voting machine diagram which he shall display in a conspicuous place in his office for public inspection. Voting machine diagrams shall be substantially in the same form as the official ballot labels, but the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed, except that the position of precinct committeeman shall be shown on the general election voting machine diagram only by a listing of the position itself, and the names of candidates therefor need not be shown. Voting machine diagrams shall also include instructions for write-in voting.

NEW SECTION. Sec. 47. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot labels for use at a general election shall be of the same size for each and every precinct within the county, shall be of a good quality white paper, and the names shall be printed thereon in black ink.

NEW SECTION. Sec. 48. There is added to chapter 29.30 RCW a new section to read as follows:

The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall precede the list of candidates of the party whose candidate for president of the United States received the next highest number of

votes from the electors of this state in the preceding presidential election, and the candidates of other parties shall be placed in subsequent rows in the order in which their certificates of nomination have been filed.

NEW SECTION. Sec. 49. There is added to chapter 29.30 RCW a new section to read as follows:

(1) Prominently displayed in the polling place used at a general election there shall be printed instructions directing the voters how to operate the voting machine and correctly indicate votes on issues and candidates, including write-in votes. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state or county measures authorized by law to be submitted to the voters of such election. Measures submitted by any jurisdiction other than the state or county may be placed on the same ballot labels as the state and county measures or on separate ballot labels either immediately following the state or county measures or in the position in which offices in that jurisdiction would normally be located.

(2) All nominations of any party or group of petitioners shall be placed on the same row as the title of such party or petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(3) There shall be a lever above the name of each nominee so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his vote.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in a column separated from the balance of the party tickets by a heavy black line, shall be the names of the candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single lever above with which the voter indicates his choice.

NEW SECTION. Sec. 50. There is added to chapter 29.30 RCW a new section to read as follows:

(1) Displayed within the voting machine shall be instructions including the following: If you desire to vote for any candidate, pull down the lever above the name of such candidate. If you desire to vote for or against any measure, pull down the lever over the "Yes" or "No" above such measure. To vote for a person not on the ballot, write the name of the candidate in the space provided.

(2) The arrangement of the ballot labels used in general elections shall conform as nearly as possible to the following form:

(Here place any state or local measures to be voted on.)

.....

.....

PRESIDENT AND
VICE PRESIDENT
OF THE
UNITED STATES
Vote for one

UNITED STATES
SENATOR

Vote for one

(Names of candidates)
(Party)

(Name of candidate)
(Party)

(Names of candidates) (Party)	(Name of candidate) (Party)
(Names of candidates) (Party)	(Name of candidate) (Party)

(Other partisan offices follow to the right in the same form.)

Nonpartisan offices appear on a separate portion of the voting machine in the following form:

SUPERINTENDENT OF PUBLIC INSTRUCTION	JUSTICE OF THE SUPREME COURT POSITION
Vote for one	Vote for one
(Name of candidate) Nonpartisan	(Name of candidate) Nonpartisan
(Name of candidate) Nonpartisan	(Name of candidate) Nonpartisan

Sec. 51. Section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010 are each amended to read as follows:

Every primary paper ballot shall be uniform in color and size, shall be white and printed in black ink. ~~((Across the head of each ballot shall be printed in plain; black type, first;))~~ Each ballot shall be identified at the top with the words, "Primary Election Ballot," and below that, the county((;)) in which the ballot is to be used(~~(: Then shall follow the words)~~), the date of the primary, and the instruction: "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation if for a partisan office, in the space provided." Beginning at the top of the left hand column, at the left of the line(~~(; in black type;))~~ shall appear the name of the position for which the names following are candidates, and to the extreme right of the same line the words, "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. ~~((Following))~~ Below this shall come the names of all candidates for that position ~~((inclosed in a light faced rule))~~, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with a square to the right(~~(; said square being separated by a heavy black face rule, the parallel rules containing the names and squares to be one-sixth of an inch apart)~~). Each position with the names running for that office, shall be separated from the following one by a ~~((black face rule))~~ bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without revealing the identity of any individual voter. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them.

Sec. 52. Section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020 are each amended to read as follows:

In precincts using paper ballots and on absentee paper ballots, the positions or offices on a state primary ballot shall be arranged in substantially ((as follows: First;)) the following order: United States senator; ((next, congressional; next;)) United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance

commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; ~~((next,))~~ judges of the court of appeals; ~~((next,))~~ judges of the superior court; ~~((next, other state officers, next, legislative; next, county officers; next, precinct officers, next, justice of the peace, next, precinct committeemen))~~ and judges of the district court. For all other jurisdictions appearing on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any. Unless otherwise specified by law, the names shall be listed in order of filing. There shall be a blank space left following the list of names of candidates for each office or position for writing in the name of a candidate, if desired.

Sec. 53. Section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030 are each amended to read as follows:

The form of primary paper ballots shall be substantially as follows:

~~(((FORM OF BALLOT)))~~
PRIMARY ELECTION BALLOT
..... County
(Date of primary)

To vote for a person make a cross in the square to the RIGHT of the name of the person for whom you desire to vote.

.....
UNITED STATES SENATOR Vote for One

~~((Adams, Frank C. Democrat~~

Haddock, R. A. Republican

Johnson, Oscar F. Republican)
(name of candidate) (party)

(name of candidate) (party)

(name of candidate) (party)

(space for write-in candidate) (name of party)
.....
(and so on with the other officers in order.)

~~((Where voting machines are legally used in any county, city, or other municipality, the ballot arrangement of candidates to be voted on at the primary shall be substantially in form with that heretofore set forth in this section, but may be varied so as to carry out the purposes required by use of voting machines.))~~

Sec. 54. Section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040 are each amended to read as follows:

In primary elections in precincts where votes are cast on paper ballots, unless otherwise required by law, the names of candidates for each office ((upon primary ballots under the heading designating each official)) or position ((upon the ballots to be used in voting,)) shall be first arranged in the order in which their declarations of candidacy were filed. ((In printing each set of ballots for the several counties,)) Additional sets of official ballots shall be printed in which the positions of the names of all candidates for each such office or position shall be changed ((in each office division)) as many times as there are candidates in the office ((division)) or position in which there are the ((most)) greatest number of names. As nearly as possible an

equal number of ballots shall be printed after each change. In making the changes of position(~~(, the printer shall take the line of type at the head of each office division and place it at the bottom of the division and shove up the column so that the name that before was second, shall be first, after the change)~~) between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. After the required sets of ballots are printed, they shall be kept in separate piles, one pile for each change of position, and shall then be gathered by taking one from each pile(~~(;)~~), the intention being that every other ballot at the polls shall have the names of the candidates under such offices in a different position.

Sec. 55. Section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060 are each amended to read as follows:

In counties or portions of counties using paper ballots, on or before the fifteenth day before a primary or an election, the county auditor shall prepare ((at once)) a sample paper ballot which he shall ((post)) display in a conspicuous place in his office for public inspection. Sample paper ballots shall be substantially in the same form as the official paper ballots but upon colored paper, and the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed ((and need not be alternated)), except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

Sec. 56. Section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075 are each amended to read as follows:

In counties using absentee paper ballots, at least twenty days before any primary, each county auditor shall have prepared sufficient paper ballots for use by absentee voters.

NEW SECTION. Sec. 57. There is added to chapter 29.30 RCW a new section to read as follows:

All general election paper ballots within a given precinct shall be of a good quality white paper and the names shall be printed thereon in black ink.

No ballot shall bear any impression, device, color, or thing designated to distinguish such ballot from other legal ballots, or whereby the ballot may be known or designated.

NEW SECTION. Sec. 58. There is added to chapter 29.30 RCW a new section to read as follows:

The names of the persons certified as the nominees resulting from a primary election by the secretary of state or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor party convention, or (4) of the state or county central committee of a major political party to fill a vacancy on its ticket occasioned by any cause on account of which it is lawfully authorized so to do.

No person who has offered himself as a candidate for the nomination of one party at the primary shall have his name printed on the ballot of the succeeding general election as the candidate of another political party.

No candidate's name shall appear more than once upon the ballot, unless the name appears once for the office of precinct committeeman, in which case the name may appear not more than twice: **PROVIDED,** That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the

county auditor within three days after the certification of the canvass of the primary, designate the political party under whose title he desires to have his name placed.

NEW SECTION. Sec. 59. There is added to chapter 29.30 RCW a new section to read as follows:

The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the paper ballot, the list of candidates of the party whose candidate for president of the United States received the next highest number of votes from the electors of this state in the preceding presidential election shall be placed in the second column, and the candidates of other parties in the order in which certificates of nomination have been filed.

NEW SECTION. Sec. 60. There is added to chapter 29.30 RCW a new section to read as follows:

(1) On the top of each general election paper ballot and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot, including write-in votes, before the same shall be deposited with the judges of election. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be placed under the title of such party of petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(3) There shall be a at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot.

(4) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single square to the right in which the voter indicates his choice.

(6) All paper ballots for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no printing on the back of the paper ballots nor any mark thereon to distinguish them.

NEW SECTION. Sec. 61. There is added to chapter 29.30 RCW a new section to read as follows:

The arrangement of paper ballots used in general elections shall in general conform as nearly as possible to the following form:

GENERAL ELECTION BALLOT

..... County

(Date of election)

Instructions: If you desire to vote for any candidate, place X in at the right of the name of such candidate. If you desire to vote for or against any measure, place an X in the appropriate following such measure. To vote for a person not on the ballot, write the title of the office and the name of the candidate in the space provided.

(Here place any state measures to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT (Name of candidate) . . . <input type="checkbox"/> (Name of candidate) . . . <input type="checkbox"/>	PRESIDENT AND VICE PRESIDENT (Name of candidate) . . . <input type="checkbox"/> (Name of candidate) . . . <input type="checkbox"/>	
UNITED STATES SENATOR (Name of candidate) . . . <input type="checkbox"/>	UNITED STATES SENATOR (Name of candidate) . . . <input type="checkbox"/>	

(Other partisan offices follow on the ballot in the same form.)

NONPARTISAN OFFICES

SUPERINTENDENT OF PUBLIC INSTRUCTION

Vote for one

(name of candidate)
(name of candidate)

JUSTICE OF STATE SUPREME COURT POSITION

Vote for one

(name of candidate)
(name of candidate)

(Other nonpartisan offices follow on the ballot in the same form.)

Sec. 62. Section 29.33.180, chapter 9, Laws of 1965 and RCW 29.33.180 are each amended to read as follows:

Not more than ten nor less than three days before each election at which voting machines are to be used the board or officer charged with the duty of providing ballots shall publish in newspapers representing at least two political parties a diagram of reduced size showing the face of the voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote and a statement of the locations of voting machines which are on public exhibition. Diagrams of voting machines used at general elections held in even-numbered years shall show the position of precinct committeeman, but need not list the names of candidates therefor. In lieu of publication thereof, the board or officer may send by mail or otherwise at least three days before the elections a printed copy of the diagram to each registered voter.

Sec. 63. Section 29.33.210, chapter 9, Laws of 1965 and RCW 29.33.210 are each amended to read as follows:

If more than one voting machine or voting device is to be used in a precinct, ~~((one))~~ as many additional ((inspector of election shall)) judges may be appointed ~~((for each additional machine. In any voting precinct where the number of registered voters is less than one hundred the election board may consist of one inspector, one judge and one clerk))~~ as the county auditor determines are required for that primary or election.

Sec. 64. Section 29.33.220, chapter 9, Laws of 1965 as last amended by section 4, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.33.220 are each amended to read as follows:

Before each primary (~~(election)~~) at which voting machines (~~((or voting devices))~~) are to be used, or more frequently as the custodian deems necessary, the custodian shall instruct all inspectors(~~(;) and judges((, and clerks))~~) of election who are to serve thereat in the use of the machine (~~((or voting device))~~) and their duties in connection therewith. The custodian may waive instructional requirements for inspectors(~~(;) and judges((, and clerks))~~) of elections (~~((that))~~) who previously have been granted a certificate of proficiency and (~~((that))~~) who have served as precinct officers for a sufficient length of time to be fully qualified to perform his or her duties in connection with the machine (~~((or voting device))~~): PROVIDED, That any inspectors(~~(;) and judges((and clerks))~~) of elections for whom the instructional requirements are waived may at their discretion take advantage of the instructional program outlined herein. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine (~~((or voting device))~~) a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. (~~((Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine or voting device.))~~) As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive an additional two hours' compensation to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any primary or general election at which a voting machine (~~((or voting device))~~) is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine (~~((or voting device))~~) and has received a certificate to that effect from the custodian of the machines (~~((or voting devices))~~): PROVIDED, That this shall not prevent the appointment of an inspector(~~(;) or judge of election to fill a vacancy in an emergency.~~

Sec. 65. Section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010 are each amended to read as follows:

As used in this (~~((1967 amendatory act))~~) chapter:

(1) (~~(("Ballot card" means the tabulating card or cards or paper ballot of any size upon which the voter records his vote and shall also include the envelope issued to each voter at ballot card precincts for the voter to enclose his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;~~

(2) "~~Ballot label" means the cards, papers, booklet or other material containing the names of offices, candidates, and measures to be voted on;~~

(~~(3))~~) "~~Election" means all state, county, city, town, and district elections, general or special, including primaries;~~

(~~((4))~~) (2) "~~Voting device" means any device into which a ballot card may be inserted and which is so designed and constructed that the vote for any candidate or for and against any measure may be indicated by punching or marking the ballot card;~~

(~~((5))~~) (3) "~~Vote tally system" means one or more machines used for the purpose of automatically examining and counting votes as cast by paper ballots or ballot cards. Such apparatus may be operated manually, electrically, or electronically and may include data processing machines;~~

(~~((6))~~) (4) "~~Precinct election officers" shall mean the inspectors(~~(;) and judges((, and clerks))~~) as provided by chapter 29.45 RCW as it now exists or may hereafter be amended;~~

(5) "Counting center" means a facility designated by the county auditor for the operation of a vote tally system on the day of a primary or election.

Sec. 66. Section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080 are each amended to read as follows:

No voting device shall be approved by the state voting machine committee unless it is constructed so that it:

(1) Secures to the voter secrecy in the act of voting;

(2) Provides facilities for voting for the candidate of as many political parties or organizations as may make nominations, and for or against as many measures as may be submitted;

(3) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for;

(4) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;

(5) Correctly registers (~~(or records)~~) all votes cast for any and all persons and for or against any and all measures;

(6) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States;

(7) (~~(Voting devices shall list)~~) Lists all candidates for any office in every primary and election, special or general (~~(, in the manner shown in RCW 29.30.030 after an arrangement of positions as provided in RCW 29.30.020. PROVIDED; That at partisan general elections the candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first under the position designation, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state)~~).

NEW SECTION. Sec. 67. There is added to chapter 29.34 RCW a new section to read as follows:

(1) On the front of the first ballot page or prominently displayed on each voting device to be used at a general election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be indicated by the title of such party or petitioners as designated by them in their certificate of nomination or petition, following the name of such candidate, and the name of each nominee shall be placed beside the designation of the office for which he has been nominated.

(3) There shall be an arrow or other notation at the right edge of the ballot page opposite the name of each candidate indicating where the voter is to punch or otherwise mark his ballot card for that candidate.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political

party shall be grouped together, each group enclosed in brackets with a single arrow or other notation to the right.

(6) All ballot cards for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no printing on the back of the ballot cards nor any mark thereon to distinguish an individual voter's ballot card from other ballot cards from the same precinct.

Sec. 68. Section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130 are each amended to read as follows:

(1) Pursuant to RCW 29.04.080, the secretary of state shall by appropriate regulation devise and prescribe the form, size, weight of paper or material, kind of ballot cards, ballot page formats, procedures for conducting logic and accuracy tests of computer programs, and other materials and supplies and procedures necessary in the use of voting devices or vote tally systems as provided in this (~~(1967-amendatory act)~~) chapter and in the process of counting and tabulating the ballots by mechanical, electrical, or electronic devices or equipment.

(2) The secretary of state shall follow the provisions of the Administrative Procedure Act, chapter 34.04 RCW, in adopting the rules and regulations authorized by this (~~(1967-amendatory act)~~) chapter.

NEW SECTION. Sec. 69. There is added to chapter 29.34 RCW a new section to read as follows:

Before each primary at which voting devices are to be used, or more frequently as he deems necessary, the county auditor or other election official shall instruct all inspectors and judges of elections who are to serve at that primary or general election in the use of the voting devices and their duties in conjunction with the conduct of that primary or election.

The auditor may waive instructional requirements for inspectors and judges of elections who previously have been granted a certificate of proficiency and who have served as precinct officers for a sufficient length of time to be fully qualified to perform their duties in connection with the voting device: **PROVIDED,** That any inspectors and judges of elections for whom the instructional requirements are waived may at their discretion take advantage of the instructional program outlined herein. He shall give to each inspector or judge who has received instruction and is qualified to conduct the primary or election with the voting devices, a certificate to that effect. For the purpose of instruction, the county auditor or other election officials shall call such meetings of the inspectors or judges as may be necessary. As compensation for the time spent in receiving instruction each inspector or judge who qualifies and serves at the subsequent primary or election shall receive an additional two hours compensation, to be paid to him at the same time and in the same manner as compensation is paid him for his services on the day of the primary or election. No inspector or judge of election shall serve at any primary or general election at which voting devices are used unless he has received the required instruction and is qualified to perform his duties in connection with voting devices and has received a certificate to that effect from the county auditor or other election official: **PROVIDED,** That this shall not prevent the appointment of an inspector or judge of election to fill a vacancy in an emergency.

NEW SECTION. Sec. 70. There is added to chapter 29.34 RCW a new section to read as follows:

Before each state primary or general election at which a vote tallying system is to be used, or more frequently as he deems necessary, the county auditor or other election official shall, during the day of the election, instruct all counting center personnel, including political party observers, who are to serve at that primary or election in their duties in connection with the handling and tallying of ballots for that primary or election. No person shall serve as an election worker in the counting

center at any primary or election at which a vote tallying system is used unless he has received the required instruction and is qualified to perform his duties in connection with the handling and tallying of ballots for that primary or election. No person shall serve as a political party observer unless he has received the required instruction and is familiar with the operation of the vote tallying system and the procedures to be employed to verify the accuracy of the programming for that vote tallying system.

NEW SECTION. Sec. 71. There is added to chapter 29.34 RCW a new section to read as follows:

The county auditor shall determine the location of the counting center for each vote tallying system under his jurisdiction and the number of ballot card precincts assigned to each. Such facility may be located wherever in the judgment of the county auditor best serves the voters.

All proceedings at the counting center shall be under the direction of the county auditor and under the observation of at least two observers, who shall not be from the same political party, appointed by the county chairman of the respective major political party. Such proceedings shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot card or ballot container.

Technical assistance from private vendors to the county auditor shall be limited to advice and assistance in the training of precinct election officers and counting center personnel and the development of instructional materials for use in such training, routine maintenance and repair service on the voting devices and vote tallying systems, and any emergency assistance required due to the mechanical failure of any voting device or vote tallying system. Private vendors may provide the compilation of computer programs and preparation of office and report files according to the specifications established by the county auditor for a specific primary or election. All precinct program cards shall be prepared by the county auditor or the staff of his office. Ballot layout functions are to be performed by the secretary of state for federal offices and state-wide measures and offices, and by the county auditor for all other measures and offices.

NEW SECTION. Sec. 72. There is added to chapter 29.34 RCW a new section to read as follows:

At the direction of the county auditor, a representative of each major political party shall together stop at each designated polling place and pick up the sealed containers containing the voted ballot cards for delivery to the counting center. There may be as many as two such stops at each polling place, but the first stop may not be made prior to 2:00 p.m. and the second stop may not be made until after the polls have been closed to voting.

The procedure for transporting voted ballot cards from the respective polling places to the counting center or to predesignated collection stations shall include, but not be limited to, the following measures:

(1) On the day of the primary or election in precincts where ballots are cast on voting devices, two precinct election officials, one representing each major political party, shall place all voted ballots in noncombustible, water resistant ballot containers, furnished by the county auditor and properly identified with his mailing address, and seal the containers with prenumbered seals. The precinct election officials of each major political party or representative of each major political party designated by the county auditor to deliver such ballots shall transport the sealed ballot containers to the counting center or to a predesignated collection station in an enclosed vehicle, making certain that all doors and windows thereof other than those windows necessary for adequate ventilation are closed and locked.

(2) At the counting center or the collection stations where the sealed ballot containers are delivered by the designated representatives of the major political parties, the county auditor or his designated representative shall receive the sealed ballot containers with the voted ballot cards enclosed, record the time and date together with each precinct and seal number, and complete signed receipts indicating the time, date, and precinct and seal number of each ballot container received, and give a copy of such receipt to the representatives delivering the ballot containers as such containers are received.

(3) If the ballot containers are delivered to the collection station instead of being delivered directly to the counting center, the county auditor or his designated representative shall transfer such election containers to the counting center in an enclosed vehicle, making certain that all doors and windows thereof other than those windows necessary for adequate ventilation are closed and locked. All ballots being so transferred shall be accompanied by two appointed officials, who shall not be of the same political party, and a representative of the county auditor, who may be one of the appointed officials.

NEW SECTION. Sec. 73. There is added to chapter 29.34 RCW a new section to read as follows:

At least three days prior to the day of the primary or general election, all programming for the vote tallying system to be used at that primary or general election shall be tested by the secretary of state or his designee to ascertain that the equipment will correctly count the vote cast for all candidates and on all measures appearing on the ballot at that primary or general election. The tests shall be conducted by processing a preaudited group of ballots prepared by the office of secretary of state, so punched or marked as to record a predetermined number of ballot votes for each candidate and for and against each measure. For each office for which there are two or more candidates and for each issue, the group of test ballots shall include one or more ballots which have votes in excess of the number allowed by law, in order to verify the ability of the vote tallying system to reject such votes. The test shall be designed to verify the capability of the vote tallying system to perform all of the functions that can reasonably be expected to occur during conduct of that particular primary or election, including but not limited to verification of the content of the ballot format for each precinct or polling place, verification of rotation in the program, and verification of major error identification routines in the program of the vote tallying system. If any error is detected, the cause thereof shall be ascertained and corrected, and an errorless count shall be made before the programming is approved and certified.

Such tests shall be observed by at least two observers, who shall not be of the same political party, designated by the county chairmen of the respective county central committees, and shall be open to candidates, the press, and the public. The secretary of state, the county auditor, and the political party observers shall certify that the test has been properly conducted. Copies of such certification shall be retained by the secretary of state and the county auditor. All programming materials and test ballots shall be securely locked in a noncombustible, water resistant container, and sealed until the day of the primary or general election. This test shall be repeated immediately before the start of the official count of ballots in the same manner as set forth above.

The political party observers, upon mutual agreement, may request a precinct, to be selected at random, at the point of check-in, and manually take a total count of ballots and/or a total count for any one office, return that precinct to the counting center, and request a detailed printout. This may be done as many as three times during the official count so that the accuracy of the proceedings can be again verified by the count of the preaudited group of ballots.

NEW SECTION. Sec. 74. There is added to chapter 29.34 RCW a new section to read as follows:

The ballot cards picked up during the polling hours may subsequently be counted before the polls have closed: **PROVIDED**, That all such election returns must be held in secrecy in the same manner as the count of paper ballots during polling hours as provided by RCW 29.54.030. Any person revealing any election returns to unauthorized persons prior to the close of the polls shall be subject to the same penalties as provided by RCW 29.54.035.

Upon breaking the seals and opening the containers, all voted ballot cards shall be checked for partially removed chads, whereupon any such partially removed chads shall be entirely removed from the ballot cards. If it is found that any ballot is damaged or defective so that it cannot properly be counted by the vote tallying system, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All such damaged ballots shall be kept by the county auditor until sixty days after the primary or election concerned.

The returns printed by the vote tallying system, to which has been added the count of questioned ballots, challenged ballots, write-in votes, and absentee votes, shall constitute the official returns of the primary or election in that county.

Sec. 75. Section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170 are each amended to read as follows:

The secretary of state, upon promulgating the rules and regulations necessary for carrying out the purpose of this (~~(1967 amendatory act)~~) chapter, shall publish manuals containing the applicable rules and regulations and statutes for the guidance of the county auditor relating to the printing of ballot cards and preparation of the vote tallying systems, for the guidance of precinct election officers serving ballot card precincts, and for the guidance of election officers and operators of tabulating equipment at counting centers.

There shall be no charge for such manuals, and the number to be printed and the distribution thereof shall be determined by the secretary of state..

Sec. 76. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010 are each amended to read as follows:

In addition to those persons authorized under section 19 of this 1977 amendatory act, any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than forty-five days nor later than the day prior to any election or primary: **PROVIDED**, That an application honored for a primary ballot shall also be honored as an application for a ballot for the following election if the voter so indicates on his application.

Such applications must contain the voter's signature and may be made in person or by mail or messenger: **PROVIDED**, That no application for an absentee ballot shall be approved unless the voter's signature upon the (~~(certificate or)~~) application compares favorably with the voter's signature upon his permanent registration record.

Sec. 77. Section 29.36.030, chapter 9, Laws of 1965 as amended by section 1, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.030 are each amended to read as follows:

Upon receipt of the (~~(certificate, either signed by the voter or attached to the)~~) voter's signed application, the officer having jurisdiction of the election, or his duly authorized representative, shall issue an absentee ballot for the election concerned.

At each general election in the even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committeeman provided that two or more candidates have

filed for the same political party in the absentee voter's precinct and providing space for writing in the name of additional candidates.

In addition, if other elections, including special or general, are also being held on the same day and it can be determined that the absentee voter is qualified to vote at such elections, such additional absentee ballots shall be automatically issued to the end that, whenever possible, each absentee voter receives the ballots for all elections he would have received if he had been able to vote in person.

The election officer, or his duly authorized representative, shall include the following additional items when issuing an absentee ballot:

(1) Instructions for voting.

(2) A size #9 envelope, capable of being sealed and free of any identification marks, for the purpose of containing the voted absentee ballot.

(3) A size #10 envelope, capable of being sealed and preaddressed to the issuing officer, for the purpose of returning the #9 envelope containing the marked absentee ballot.

Upon the left hand portion of the face of the larger envelope shall also be printed a blank statement in the following form:

State of }
County of } ss.

I,, do solemnly swear under the penalty as set forth in RCW 29.36.110 (see below), that I am a resident of and qualified voter in precinct of city in county, Washington; that I have the legal right to vote at the election to be held in said precinct on the day of, 19...: That I have not voted another ballot and have herein enclosed my ballot for such election.

(signed)
Voter

(date of oath)

PENALTY PROVISION: Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Sec. 78. Section 29.36.060, chapter 9, Laws of 1965 as amended by section 1, chapter 140, Laws of 1973 and RCW 29.36.060 are each amended to read as follows:

The opening and canvassing of absentee ballots cast at any primary or election, special or general, may begin on or after the tenth day prior to such primary or election: **PROVIDED**, That the opening of the inner envelopes and actual counting of such absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election but must be completed on or before the tenth day following the primary or election: **PROVIDED**, That when a state general election is held, the canvassing period shall be extended to and including the fifteenth day following such election.

~~((This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for counting and canvassing of absentee ballots.))~~ The county canvassing board, or its duly authorized representatives, may elect not to initial the inner envelope but instead place all such envelopes in containers that can be secured with a numbered metal seal, and such sealed containers shall be stored in the most secure vault available within the courthouse until after 8:00 o'clock p.m. of the day of the primary or election: **PROVIDED**, That in the instance of punchcard absentee ballots, such ballots may be

taken from the inner envelopes and all the normal procedural steps performed necessary to prepare punchcard ballots for computer count and then placed in said sealed containers.

The canvassing board or its duly authorized representatives shall examine the postmark, receipt mark and statement on the outer envelope containing the absentee ballot and verify that the voter's signature thereon is the same as that on the original application: PROVIDED, That if the postmark is illegible, the date on the outer envelope, which a person attests to as provided in RCW 29.36.030 as now or hereafter amended shall be the date for determining the validity, as to the time of voting, of any absentee ballot under the provisions of this chapter. The board then shall open ~~((each))~~ the outer envelopes ~~((postmarked or received (if not delivered by mail)))~~ not later than the tenth day following any primary or special election ~~((day and upon which the statement has been executed according to law in such a way as not to mar the statement))~~, and the fifteenth day following any general election, and remove therefrom the inner envelope containing the ballot.

The inner envelopes shall be initialed by the canvassing board or its duly authorized representatives. The inner envelopes thus initialed must be filed by the county auditor under lock and key. The outer envelopes to which must be attached the corresponding original absentee ~~((voters' certificates))~~ voter's application shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

Sec. 79. Section 29.39.170, chapter 9, Laws of 1965 and RCW 29.39.170 are each amended to read as follows:

All procedure governing the receipt and subsequent handling of absent voters' ballots shall be governed by the provisions of chapter 29.36 RCW ~~((, but the respective time limits within which some specific act on the part of the county auditors and canvassing boards is required to be done shall not apply to absent voters' ballots cast by service voters, it being the intent of this section that every facility shall be given to such absent voters' ballots cast by service voters so that such ballots shall be counted if possible)).~~

Sec. 80. Section 29.48.020, chapter 9, Laws of 1965 and RCW 29.48.020 are each amended to read as follows:

The precinct election officers ~~((of))~~ for each precinct shall meet at the designated polling place ~~((thereof))~~ at ~~((least forty-five minutes before the time set for opening the polls))~~ the time set by the county auditor.

Sec. 81. Section 29.48.030, chapter 9, Laws of 1965 as amended by section 40, chapter 202, Laws of 1971 ex. sess. and RCW 29.48.030 are each amended to read as follows:

Before the hour for opening the polls at any primary or election and allowing a reasonable time for preparation thereof, the county auditor or other officer in charge of such primary or election shall deliver to the inspector or one of the judges of each precinct:

(1) ~~((Two poll books or two copies of the precinct list of registered voters for use in recording the names and signatures of all persons who vote at the election))~~ The precinct list of registered voters for that precinct and a suitable means to record the signature, name, and address of the voter;

(2) Ballots equal ~~((in number))~~ to ~~((one hundred ten percent of))~~ the number of voters registered therein or such ~~((further))~~ number as the county auditor or other officer in charge of such primary or election may certify to be necessary ~~((; except where voting machines are used in which case a less number may be delivered));~~

(3) A suitable ballot ~~((box))~~ container (except when voting machines are in use), with lock and key, having an opening through the lid thereof of no larger size than sufficient to admit a single folded ballot or ballot card;

(4) Two cards of instructions to voters printed in English in large clear type containing full instruction to voters as to how:

- (a) To obtain ballots for voting;
- (b) To prepare the ballots for deposit in the ballot boxes;
- (c) To obtain a new ballot in the place of one spoiled by accident or mistake;
- (5) ~~((The voters' registration files or precinct lists of registered voters pertaining to the precinct;~~

~~(6) Two tallying books which must be printed in relation to the sample ballots: PROVIDED, That at primary elections (except where machines are used) there must be furnished to each precinct two sets of tally books for each political party having candidates to be voted for and the first sheet of each tally book shall be headed:~~

~~"Tally book for (name of political party) (name of city) (county) (ward) (precinct) for the primary election held (date)." The names of the candidates shall be placed on the tally sheets in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;~~

~~(7) Two certificates printed in relation to the sample ballots or two sample ballots prepared as blanks, for certification of the result by the precinct election officers;~~

- ~~(8)) Sample ballots;~~
- ~~((9)) (6) Two oaths for each inspector(;) and each judge ((and each clerk));~~
- ~~((10) Three pamphlets containing arguments on measures for submission to voters;~~

- ~~((11)) (7) One U.S. flag;~~
- ~~((12)) (8) All other supplies necessary for conducting the election or primary.~~

NEW SECTION. Sec. 82. There is added to chapter 29.48 RCW a new section to read as follows:

In precincts where votes are cast on paper ballots, the following supplies, in addition to those specified in RCW 29.48.030 as now or hereafter amended, shall be provided:

- (1) Two tally books in which the names of the candidates shall be listed in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;
- (2) Two certificates or two sample ballots prepared as blanks, for recording of the unofficial results by the precinct election officers.

Sec. 83. Section 29.51.125, chapter 9, Laws of 1965 and RCW 29.51.125 are each amended to read as follows:

~~((Each major political party, at any general election, may assign any one of its precinct election officers at))~~ At any election, general or special, or at any primary, any political party or committee may designate a person other than a precinct election officer, for each polling place to check a list of registered voters of the precinct ((so that they may)) to determine who has and who has not voted: PROVIDED, That such lists shall be furnished by the ((major political parties)) party or committee concerned.

Sec. 84. Section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010 are each amended to read as follows:

At paper ballot precincts and at ballot card precincts served by a single set of precinct election officers, the inspector and judges of election for each election precinct immediately upon the closing of the polls, and before the ballots are counted, shall destroy all unused ballots or ballot cards furnished for use at such precinct.

At paper ballot precincts and at ballot card precincts served by two sets of precinct election officers, the members of the receiving board shall destroy all unused ballots or ballot cards upon the closing of the polls.

Sec. 85. Section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035 are each amended to read as follows:

In paper ballot precincts, no election officer or any other person authorized by law to be present while votes are being counted, shall divulge the result of the count of the ballots at any time prior to the closing of the polls. Violation of this section is punishable, upon conviction, by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment in the county jail not less than three nor more than six months, or by both such fine and imprisonment.

Sec. 86. Section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040 are each amended to read as follows:

In paper ballot precincts, the ballot ((~~box~~)) container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted.

The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition((-);

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book((-);

(3) The records of the votes in each tally book are the same.

Sec. 87. Section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045 are each amended to read as follows:

In paper ballot precincts, when two or more sets of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The set or sets designated as the counting board or boards shall commence tabulation of any state primary or state general election at a time set by the officer in charge of the election.

(2) A second ballot ((~~box~~)) container for receiving ballots shall be used, and the first ballot ((~~box~~)) container shall be closed and delivered to the counting board or boards: PROVIDED, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the officer in charge of the election proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot ((~~box~~)) container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot ((~~box~~)) container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot ((~~boxes~~)) containers shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted.

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies to the county auditor.

(4) Suitable oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be prepared by the secretary of state as ex officio chief election officer.

Sec. 88. Section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050 are each amended to read as follows:

Ballots and ballot cards must be rejected if:

(1) Two are found folded together;

(2) Marked so as to identify who the voter is: PROVIDED, That this subsection (2) shall not apply to absentee ballots;

(3) Printed other than by the respective county auditors or other authorized election officials as provided by law.

Those parts of ballots and ballot cards must not be counted which:

(1) Designate more persons for an office than are to be elected to that office;

(2) Are not in compliance with RCW 29.51.170;

(3) Are not marked with sufficient definiteness to determine the voter's choice or intention: PROVIDED, That no ballot or ballot card or part thereof shall be rejected for want of form or mistake in initials of names if the election board can determine to their satisfaction the person voted for and the office intended.

Sec. 89. Section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060 are each amended to read as follows:

Whenever a question arises in the precinct election board or the counting center as to the legality of a ballot or ballot card or any part thereof, ~~((its))~~ the action thereon together with a concise statement of the facts that gave rise to the objection must be indorsed upon the ballot or attached to the ballot card and signed by a majority of the board or the counting center personnel processing the ballot. All such ballots and statements shall be forwarded to the canvassing board. All ballots and ballot cards must be preserved whether rejected or counted in whole or in part and returned in the same manner as other ballots and ballot cards.

Sec. 90. Section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070 are each amended to read as follows:

After all the paper ballots have been counted, strung, and tallied it shall be the duty of the inspector to place them in a sealed envelope and write thereon, "Ballots of precinct county, state of Washington, of election held this day of 19. . .," and ~~((send said))~~ deliver such sealed envelope to the auditor of the county or other election official. The county auditor or other officer shall keep the sealed envelope containing said ballots unopened for the period of two months, to be used only as evidence in case or cases of contest when called for. At the end of that time he shall burn or make such disposition of said ballots, as he may deem expedient, in the presence of two other officers.

Sec. 91. Section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080 are each amended to read as follows:

As soon as all the paper ballots have been counted or the voting machines have been canvassed, two sets of the following papers shall be assembled:

(1) One poll list;

(2) One tally book or set of tally sheets, or one statement of canvass where voting machines are used;

(3) One each of the duplicate oaths of the inspector, the judges and the clerks.

To each set of papers shall be attached a certificate signed by the inspector, the judges and the clerks designating, in the order in which they appear upon the sample ballots, each candidate, the number of votes he received, and the office for which he is a candidate. The number of votes in each case must be written in words and figures (for example five thousand four hundred and fifty-two—(5452)).

One set shall constitute the "returns" to be made to the canvassing board or official; the other set shall be retained by the inspector and preserved by him for at least six months.

Sec. 92. Section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130 are each amended to read as follows:

The returns from each election precinct using paper ballots or voting machines shall be transmitted to the county auditor or other election officer either by ~~((regis-tered))~~ certified mail or in person by one of the judges or the inspector.

Failure to transmit the returns is a misdemeanor punishable by a fine of not less than five dollars nor more than fifteen dollars.

Sec. 93. Section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140 are each amended to read as follows:

~~((Following every primary and election, before adjourning, every))~~ Before adjourning from the polling place, following a primary or an election in any precinct where votes are cast on paper ballots or voting machines, the precinct election board shall enter the unofficial results in duplicate upon sample ballots or suitable forms furnished for that purpose by the county auditor or other election officer. One copy shall be posted conspicuously on the outside of the polling place and the other transmitted to the county election officer.

NEW SECTION. Sec. 94. There is added to chapter 29.54 RCW a new section to read as follows:

In counties using voting devices the county auditor or other election officer shall maintain, for at least sixty days following each primary or election, the following descriptive documents relating to the conduct of that primary or election:

(1) Ballot page formats together with a record of the format or formats assigned to each precinct;

(2) Program cards, precinct header cards, office and report files, program listings, and any similar programming material related to the control of the vote tallying system for that primary or election; and

(3) All test materials used to verify the accuracy of the tabulating equipment as required by section 73 of this 1977 amendatory act.

NEW SECTION. Sec. 95. There is added to chapter 29.54 RCW a new section to read as follows:

In each county possessing the facilities necessary to do so, the county auditor or other election official shall copy all voted ballot cards on magnetic tape, deleting any details which could be used to ascertain the identity of any voter and making certain that all ballot cards, as copied, are readily identifiable and segregated by precinct for each primary and election, special or general. Once copied, the county auditor or his designee shall make such disposition of the voted ballot cards as he may deem expedient. The original magnetic tape copy of such voted ballot cards shall be retained in the office of the county auditor for a period of not less than ten years after being made. Copies of any magnetic tapes so retained shall be promptly furnished by the county auditor to any individual requesting them upon receipt of a payment sufficient to cover costs associated therewith.

Sec. 96. Section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090 are each amended to read as follows:

Immediately after the official results of ~~((an))~~ a state primary or general election ((or primary)) in his county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in his county at such state primary or general election for ~~((county officers, state officers, national officers and officers elected by districts))~~ and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and ~~((transmit))~~ transmitted to the secretary of state ~~((by registered mail a certified copy thereof))~~ no later than the next business day following the certification by the county canvassing board.

Sec. 97. Section 29.62.100, chapter 9, Laws of 1965 and RCW 29.62.100 are each amended to read as follows:

The ~~((state canvassing board shall consist of the))~~ secretary of state ~~((, the state treasurer and the state auditor. It))~~ shall, as soon as possible but in any event not

later than the third Tuesday following the primary, canvass and certify the returns of all primary elections as to candidates for state offices, United States senators and representatives in congress, and all other candidates whose district extends beyond the limits of a single county.

Sec. 98. Section 29.64.010, chapter 9, Laws of 1965 and RCW 29.64.010 are each amended to read as follows:

An officer of a political party or any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such primary in any precinct for all persons for whom votes were cast in such precinct for such nomination.

An officer of a political party or any person who was a candidate at any general election for election to an office or position who was not declared elected, may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such election in any precinct in such county for all candidates for election to such office or position.

Any group of five or more registered voters may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at any election, regular or special, in any precinct upon any question or issue, provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application, designate one of the members of the group as chairman, and shall indicate therein the voting residence of each member of such group. In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to determine, the application for the recount shall embrace all ballots cast at such district election.

An application for recount in a precinct using a vote tally system shall specify whether the recount shall be done manually or by the vote tally system. A recount done by the vote tally system shall use separate and distinct programming from that used in the original count, and shall also provide for a separate and distinct test of the logic and accuracy of such program.

All applications for recount shall be filed within three days, excluding Saturdays and Sundays, after the canvassing board has declared the official results of the primary or election(, as the case may be).

The provisions of this chapter shall apply to the recounting of votes cast by paper ballots and counted at the polling places (~~and~~), to the recheck of votes recorded on voting machines, and to the recounting of votes recorded on ballot cards and counted by a vote tally system. The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns: PROVIDED, That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in RCW 29.64.020.

Sec. 99. Section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020 are each amended to read as follows:

Each application for recount shall separately list each precinct as to which a recount of the votes therein is requested, and the person filing an application shall at the same time deposit with the canvassing board the sum of (~~five~~) ten dollars in cash or by certified check for each precinct so listed in such application as security for the payment of charges for the making of the recount therein applied for, which charges shall be fixed by the canvassing board as provided in RCW 29.64.060. In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be (~~five~~) ten dollars in

cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election paper ballots were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by the factor of ~~((two))~~ five cents; and if a specific request is made for the recount of absentee ballots, then an additional deposit shall be made in a sum of money equal to the total number of such absentee ballots to be counted multiplied by the factor of ~~((two))~~ five cents.

If at said special or regular district election voting machines were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be ~~((five))~~ ten dollars for each voting machine used.

If ballot cards and a vote tally system were used at any precinct as to which a recount is requested, the amount of the deposit required shall depend on whether a manual recount of ballot cards or a recount by the vote tally system is requested. If a manual recount of the ballot cards is requested, the deposit shall be the same as for paper ballots. If a recount by the vote tally system is requested, the deposit shall be five cents for each ballot card.

Upon the filing of an application, the canvassing board shall promptly fix the time when and the place at which the recount will be made, which time shall be not later than five days after the day upon which such application is filed. The ~~((clerk of the board))~~ county auditor shall mail notice of the time and place so fixed to the applicant. If the application requests a recount of votes cast for a nomination or a candidacy for election, the ~~((clerk))~~ auditor shall also mail such notice to each person for whom votes were cast for such nomination or election. Such notice shall be mailed by registered mail not later than two days before the date fixed for the commencement of the recount. Each person entitled to receive such notice may attend and witness the recount and may be accompanied by counsel.

In the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated may attend and witness the recount.

Sec. 100. Section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060 are each amended to read as follows:

The charges for making a recount of votes of precincts listed in an application for recount filed with the board of elections shall be fixed by the board and shall include all expenses incurred by such board because of such application other than the regular operating expenses which the board would have incurred if the application had not been filed.

The total amount of charges so fixed divided by the number of precincts listed in such application, the votes of which were recounted, shall be the charge per precinct for the recount of the votes of the precincts listed in such application, the votes of which were recounted: PROVIDED, That the charges per precinct so fixed shall not be more than ~~((five dollars for each precinct concerned or in the event of a recount of a regular or special district election whereat all ballots were requested to be recounted irrespective of precincts, the maximum charge shall not exceed two cents per ballot))~~ the actual cost.

Such charge shall be deducted by the board from the money deposited with the board by the applicant for the recount at the time of filing his application, and the balance of the money so deposited shall be returned to such applicant unless the costs of the recount were higher than the deposit, in which case the applicant shall

be required to pay the difference: PROVIDED, That no such charges shall be deducted by the board from the money deposited for a recount of votes cast for a nomination or for an election to an office or position in any precinct, if upon the completion of a recount the applicant is declared nominated or elected, or if upon completion of a recount concerning a question or proposition, the result of such election is declared to be opposite to the original declaration of the result of such election. All moneys deposited with the board by an applicant not returned to him shall be paid by such board into the general fund of the political subdivision concerned.

Sec. 101. Section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be ~~((exercised in the county, district or precinct of his residence;))~~ issued a certificate of election for any of the following causes:

(1) For malconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector(;) or judge ~~((or clerk))~~ of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

All election contests shall proceed under RCW 29.04.030, as now or hereafter amended.

Sec. 102. Section 29.65.020, chapter 9, Laws of 1965 and RCW 29.65.020 are each amended to read as follows:

~~((To commence an election contest, the contestant must file with the clerk of the superior court of his residence a verified written statement of contest within ten days after the person whose right is being contested has been declared elected, setting forth))~~ An affidavit of an elector with respect to RCW 29.04.030(6) must be filed with the appropriate court no later than ten days following the issuance of a certificate of election and shall set forth specifically:

(1) The name of the contestant and that he is a registered voter in the county, district or precinct, as the case may be, in which the office is to be exercised;

(2) The name of the person whose right is being contested;

(3) The office;

(4) The particular causes of the contest.

No statement of contest shall be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty ~~((to advise the defendant of the particular proceedings or cause for which such election is contested))~~. The person charged with the error or omission shall be given the opportunity to call any witness, including the candidate to whom he has issued or intends to issue the certificate of election.

Sec. 103. Section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040 are each amended to read as follows:

Upon such ~~((statement))~~ affidavit being filed, it shall be the duty of the clerk to inform the judge of the ~~((superior))~~ appropriate court, who may give notice, and order a session of the court to be held at the usual place of holding said court, on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election: PROVIDED,

That if no session be called for the purpose, such contest shall be determined at the first regular session of court after such statement is filed.

The clerk of the court shall also at the time issue a citation for the person ~~((whose right to the office is contested))~~ charged with the error or omission, to appear at the time and place specified in the notice, which citation shall be delivered to the sheriff ~~((or constable,))~~ and be served upon the party in person; or if he cannot be found, by leaving a copy thereof at the house where he last resided.

Sec. 104. Section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055 are each amended to read as follows:

If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party ~~((whose election was contested))~~ charged with error or omission.

If such election is annulled and set aside, judgment for costs shall be rendered against the party ~~((whose election was contested,))~~ charged with the error or omission and in favor of the party ((contesting)) alleging the same.

Sec. 105. Section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200 are each amended to read as follows:

Upon filing the volumes of an initiative petition proposing a measure for submission to the legislature at its next regular session, the secretary of state shall forthwith in the presence of at least one person representing the advocates and one person representing the opponents of the proposed measure, should either desire to be present, proceed to canvass and count the names of the legal voters thereon. The secretary of state may use any statistical sampling techniques for this canvass which have been ~~((approved by the state canvassing board established by RCW 29.62-100))~~ adopted by rule as provided by chapter 34.04 RCW: PROVIDED, That no petition will be rejected on the basis of any statistical method employed: PROVIDED FURTHER, That no petition will be accepted on the basis of any statistical method employed if such method indicates that the petition contains less than one hundred ten percent of the requisite number of signatures of legal voters. If the secretary of state finds the same name signed to more than one petition he shall reject the name as often as it appears. If the petition is found to be sufficient, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session together with a certificate of the facts relating to the filing of the petition and the canvass thereof.

Sec. 106. Section 29.80.010, chapter 9, Laws of 1965 as last amended by section 2, chapter 4, Laws of 1975-'76 2nd ex. sess. and RCW 29.80.010 are each amended to read as follows:

As soon as possible prior to each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein and in even-numbered years containing a description of the office of precinct committeeman and its duties, in order that voters will understand that such office is a state office and will be found on the ballot of the forthcoming general election: PROVIDED, That in odd-numbered years no candidates' pamphlet shall be published, unless an election is to be held to fill a vacancy in one or more of the following state-wide elective offices: United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, and justice of the supreme court.

Sec. 107. Section 29.82.090, chapter 9, Laws of 1965 and RCW 29.82.090 are each amended to read as follows:

At the time set for the canvass, in the presence of at least one person representing the petitioners and in the presence of the person charged, or some one representing him, if either should desire to be present, the canvassing officer shall ~~((detach the sheets containing the signatures from the copies of the charge, and cause them to be firmly attached to one or more copies of the charge in such volumes as will be most convenient for canvassing and filing; and))~~ forthwith compare the signatures on the petition with the voter registration records of that jurisdiction. No signature shall be rejected if the officer conducting the canvass is reasonably certain that the signature on the petition is the same as the signature of a registered voter of that jurisdiction. The omission to fill any blanks shall not prevent the certification of any name if sufficient information is given to enable one by a comparison of signatures to identify the voter. He shall then proceed to canvass and count the names of certified legal voters on such petitions. If he finds that the same person has signed more than one petition, he shall reject all signatures of such person from the count.

Sec. 108. Section 29.82.100, chapter 9, Laws of 1965 as amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.100 are each amended to read as follows:

If, at the conclusion of the canvass and count, it is found that a petition for recall bears the requisite number of signatures of certified legal voters, the officer with whom the petition is filed shall ~~((certify the proposition to the proper authority which shall))~~ fix a date ~~((, not more than fifteen days after the conclusion of the canvass, for calling a))~~ for the special election to determine whether or not the officer charged shall be recalled and discharged from his office. ~~((On the date fixed the election shall be called. The))~~ Such special election shall be held not less than forty-five nor more than sixty days from the date of the call(;) and, whenever possible, on one of the dates provided in RCW 29.13.020: PROVIDED, That no recall election shall be held between the date of the primary and the date of the general election in any calendar year. Notice thereof shall be given in the manner required by law for ((calling)) special elections in the state or in the political subdivision, as the case may be.

Sec. 109. Section 29.82.140, chapter 9, Laws of 1965 and RCW 29.82.140 are each amended to read as follows:

The votes on a recall election shall be counted, canvassed, and the results certified in the manner provided by law for counting, canvassing, and certifying the results of an election for the office from which the officer is being recalled: **PROVIDED**, That if the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, such returns shall be made to the officer with whom the charge is filed, and who called the special election; and in case of an election for the recall of a state officer, the county canvassing boards of the various counties shall canvass and return the result of such election to the officer calling such special election. If a majority of all votes cast at the recall election is for the recall of the officer charged, he shall thereupon be recalled and discharged from his office, and the office shall thereupon become and be vacant.

Sec. 110. Section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200 are each amended to read as follows:

Any person who ~~((falsely swears, in taking the oath or affirmation prescribed for registration))~~ knowingly gives false information on an application for voter registration, or who knowingly makes a false declaration as to his or her qualifications as a voter, or who falsely personates another and procures himself or herself to be registered as the person so personated, or causes himself or herself to be registered under two or more different names, or causes any name to be registered otherwise than in the manner provided by law, shall be guilty of a class C felony under RCW 9A.72.030.

NEW SECTION. Sec. 111. The following acts or parts of acts are each hereby repealed:

(1) Section 29.07.010, chapter 9, Laws of 1965, section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010;

(2) Section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020;

(3) Section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030;

(4) Section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040;

(5) Section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050;

(6) Section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.060;

(7) Section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065;

(8) Section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070;

(9) Section 29.07.080, chapter 9, Laws of 1965, section 10, chapter 202, Laws of 1971 ex. sess., section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080;

(10) Section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090;

(11) Section 2, chapter 153, Laws of 1973, section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092;

(12) Section 29.07.095, chapter 9, Laws of 1965, section 12, chapter 202, Laws of 1971 ex. sess., section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095;

(13) Section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100;

(14) Section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105;

(15) Section 29.07.110, chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110;

(16) Section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115;

(17) Section 29.07.120, chapter 9, Laws of 1965, section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120;

(18) Section 29.07.130, chapter 9, Laws of 1965, section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130;

(19) Section 29.07.140, chapter 9, Laws of 1965, section 18, chapter 202, Laws of 1971 ex. sess., section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140;

(20) Section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150;

(21) Section 29.07.160, chapter 9, Laws of 1965, section 20, chapter 202, Laws of 1971 ex. sess., section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160;

(22) Section 29.07.170, chapter 9, Laws of 1965, section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170;

(23) Section 29.07.180, chapter 9, Laws of 1965, section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180;

(24) Section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220;

(25) Section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230;

(26) Section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240;

(27) Section 29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100;

(28) Section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050;

(29) Section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080;

(30) Section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090;

(31) Section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100;

(32) Section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110;

(33) Section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150;

(34) Section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160;

(35) Section 29.51.040, chapter 9, Laws of 1965 and RCW 29.51.040;

(36) Section 29.59.050, chapter 9, Laws of 1965 and RCW 29.59.050;

(37) Section 29.62.110, chapter 9, Laws of 1965 and RCW 29.62.110;

(38) Section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150;

(39) Section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030;

(40) Section 29.65.110, chapter 9, Laws of 1965 and RCW 29.65.110;

(41) Section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130;

(42) Section 1, chapter 73, Laws of 1967 ex. sess., section 3, chapter 178, Laws of 1971 ex. sess., section 7, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.010;

(43) Section 2, chapter 73, Laws of 1967 ex. sess., section 4, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.020;

(44) Section 3, chapter 73, Laws of 1967 ex. sess., section 6, chapter 178, Laws of 1971 ex. sess., section 8, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.030;

(45) Section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040;

(46) Section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050;

(47) Section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060;

(48) Section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.070;

(49) Section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080;

(50) Section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910;

(51) Section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82.050; and

(52) Section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150.

NEW SECTION. Sec. 112. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 113. This 1977 amendatory act shall take effect January 1, 1978."

In line 1 of the title, after "elections;" strike the remainder of the title and insert the following: "amending section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020; amending section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030; amending section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as amended by section 1, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.055; amending section 29.10.040, chapter 9, Laws of 1965 as amended by

section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040; amending section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.080; amending section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120; amending section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070; amending section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.060; amending section 1, chapter 130, Laws of 1967 ex. sess. and RCW 29.21.330; amending section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010; amending section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020; amending section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030; amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040; amending section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060; amending section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075; amending section 29.33.180, chapter 9, Laws of 1965 and RCW 29.33.180; amending section 29.33.210, chapter 9, Laws of 1965 and RCW 29.33.210; amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 4, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.33.220; amending section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010; amending section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080; amending section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130; amending section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170; amending section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010; amending section 29.36.030, chapter 9, Laws of 1965 as amended by section 1, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.030; amending section 29.36.060, chapter 9, Laws of 1965 as amended by section 1, chapter 140, Laws of 1973 and RCW 29.36.060; amending section 29.39.170, chapter 9, Laws of 1965 and RCW 29.39.170; amending section 29.48.020, chapter 9, Laws of 1965 and RCW 29.48.020; amending section 29.48.030, chapter 9, Laws of 1965 as amended by section 40, chapter 202, Laws of 1971 ex. sess. and RCW 29.48.030; amending section 29.51.125, chapter 9, Laws of 1965 and RCW 29.51.125; amending section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010; amending section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035; amending section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040; amending section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045; amending section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050; amending section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060; amending section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070; amending section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080; amending section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130; amending section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140; amending section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090; amending section 29.62.100, chapter 9, Laws of 1965 and RCW 29.62.100; amending section 29.64.010, chapter 9, Laws of 1965 and RCW 29.64.010; amending section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020; amending section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060; amending section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010; amending section 29.65.020, chapter

9, Laws of 1965 and RCW 29.65.020; amending section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040; amending section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055; amending section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 2, chapter 4, Laws of 1975-'76 2nd ex. sess. and RCW 29.80.010; amending section 29.82.090, chapter 9, Laws of 1965 and RCW 29.82.090; amending section 29.82.100, chapter 9, Laws of 1965 as amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.100; amending section 29.82.140, chapter 9, Laws of 1965 and RCW 29.82.140; amending section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200; adding a new section to chapter 29.01 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.34 RCW; adding a new section to chapter 29.48 RCW; adding new sections to chapter 29.54 RCW; adding a new chapter to Title 29 RCW; repealing section 29.07.010, chapter 9, Laws of 1965, section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; repealing section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020; repealing section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030; repealing section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; repealing section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050; repealing section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.060; repealing section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065; repealing section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070; repealing section 29.07.080, chapter 9, Laws of 1965, section 10, chapter 202, Laws of 1971 ex. sess., section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080; repealing section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090; repealing section 2, chapter 153, Laws of 1973, section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092; repealing section 29.07.095, chapter 9, Laws of 1965, section 12, chapter 202, Laws of 1971 ex. sess., section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; repealing section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100; repealing section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; repealing section 29.07.110; chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110; repealing section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115; repealing section 29.07.120, chapter 9, Laws of 1965, section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120; repealing section 29.07.130, chapter 9, Laws of 1965, section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130; repealing section 29.07.140, chapter 9, Laws of 1965, section 18, chapter 202, Laws of 1971 ex. sess., section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140; repealing section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150; repealing section 29.07.160, chapter 9, Laws of 1965, section 20, chapter 202, Laws of 1971 ex. sess., section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160; repealing section 29.07.170, chapter 9, Laws of 1965, section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170; repealing section 29.07.180, chapter 9, Laws of 1965, section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180; repealing section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220; repealing section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230; repealing section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240; repealing section

29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100; repealing section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050; repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080; repealing section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090; repealing section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; repealing section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110; repealing section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150; repealing section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160; repealing section 29.51.040, chapter 9, Laws of 1965 and RCW 29.51.040; repealing section 29.59.050, chapter 9, Laws of 1965 and RCW 29.59.050; repealing section 29.62.110, chapter 9, Laws of 1965 and RCW 29.62.110; repealing section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150; repealing section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030; repealing section 29.65.110, chapter 9, Laws of 1965 and RCW 29.65.110; repealing section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130; repealing section 1, chapter 73, Laws of 1967 ex. sess., section 3, chapter 178, Laws of 1971 ex. sess., section 7, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.010; repealing section 2, chapter 73, Laws of 1967 ex. sess., section 4, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.020; repealing section 3, chapter 73, Laws of 1967 ex. sess., section 6, chapter 178, Laws of 1971 ex. sess., section 8, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.030; repealing section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040; repealing section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050; repealing section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060; repealing section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.070; repealing section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080; repealing section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910; repealing section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82.050; repealing section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150; providing penalties; and providing an effective date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Grant moved the Senate concur in the House amendments to Reengrossed Substitute Senate Bill No. 2034.

POINT OF ORDER

Senator Lewis: "Mr. President, I raise the question of scope and object on the House amendments.

"Mr. President, Senate Bill 2034 deals with ballots and different forms related thereto, and the amendment to which I take exception provides for postcard registration. I think in determining the scope and object, you might look particularly at section 25 which says that the portion which the House has submitted as amendments shall constitute a new chapter in the RCW's.

"I think that in itself is pretty good indication that this is a separate subject and does expand the scope and object."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Lewis, the President finds that Substitute Senate Bill 2034 is an omnibus measure relating to the elections law and makes a number of substantive changes in the present voter registration process."

"The President further finds that although the House committee amendments add a number of new sections which were not covered by the Senate bill, these proposed additions do not necessarily expand the scope and object of Engrossed Substitute Senate Bill 2034. Therefore, the point of order is not well taken."

The House amendments to Reengrossed Substitute Senate Bill No. 2034 were ruled in order.

MOTION

Senator Grant moved the House Message on Reengrossed Substitute Senate Bill No. 2034, together with the House amendments and the motion by Senator Grant that the Senate concur in the House amendments, be held for consideration on June 15, 1977.

Debate ensued.

MOTION

At 3:03 p.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 4:45 p.m.

MOTION

On motion of Senator Odegaard, Senators Francis and Herr were excused.

MESSAGE FROM THE HOUSE

June 4, 1977.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2697 and asks the Senate for a conference thereon. The Speaker has appointed as members of the conference committee: Representatives Shipoch, McKibbin and Patterson.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Walgren moved the Senate refuse to grant a conference on Engrossed Substitute Senate Bill No. 2697 and that the Senate do concur in the House amendments.

Debate ensued.

POINT OF INQUIRY

Senator Grant: "Would Senator Donohue yield? Senator Donohue, I see the House amendment with regard to a lid with respect to salaries which permits some flexibility, but would you describe for me the levy lid that exists in this measure now? It has been, as you say, some period of time since this was originally adopted

by the Senate, the original bill, and I would like you to describe the levy lid provisions."

Senator Donohue: "Eighty-five percent of the levies are salaries, Senator, and the idea behind this is to hold the levy lid need down by being able to set a lid in essence by doing so in salaries at that top level. In our original proposal, as you well know, the levy lid varied, allowing a school district to have thirty percent and then twenty percent and down to a ten percent. Now the approach of this, of course, is to eventually end up with a situation where the Legislature will be setting the salaries for certificated and noncertificated personnel, and this is that kind of approach and I think is the proper one and I think that it is time that we moved and concur with this bill so that we can set the wheels in motion to go home, as I said."

Further debate ensued.

The motion by Senator Walgren carried. The Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2697.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2697, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; nays, 9; excused, 10.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Day, Donohue, Goltz, Gould, Guess, Henry, Jones, Lewis, Mardesich, Marsh, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—29.

Voting nay: Senators Beck, Bottiger, Gaspard, Grant, Murray, Rasmussen, Ridder, von Reichbauer, Wojahn—9.

Excused: Senators Buffington, Fleming, Francis, Hayner, Herr, Keefe, Matson, McDermott, Sandison, Woody—10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2697, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on June 13, 1977, Senator Goltz moved the Senate reconsider the vote by which Engrossed Second Substitute House Bill No. 391, as amended by the Senate, failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Goltz that the Senate reconsider the vote by which Engrossed Second Substitute House Bill No. 391, as amended by the Senate, failed to pass.

Debate ensued.

The motion by Senator Goltz carried and the Senate moved to reconsider the vote by which the bill failed on June 13, 1977.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 391, as amended by the Senate, and the bill passed the Senate,

on reconsideration, by the following vote: Yeas, 28; nays, 9; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Henry, Jones, Lewis, Mardesich, Marsh, Monohon, Morrison, Newschwander, North, Peterson, Ridder, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington—28.

Voting nay: Senators Beck, Grant, Guess, Odegaard, Pullen, Rasmussen, Van Hollebeke, Wilson, Wojahn—9.

Absent or not voting: Senator Murray—1.

Excused: Senators Buffington, Fleming, Francis, Hayner, Herr, Keefe, Matson, McDermott, Sandison, Woody—10.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2032,

SECOND SUBSTITUTE SENATE BILL NO. 2040.

SECOND SUBSTITUTE SENATE BILL NO. 2877.

MOTION

At 5:10 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, June 15, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, June 15, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Bottiger, Buffington, Fleming, Francis, Jones, Keefe, Lewis, Matson, McDermott, Newschwander, Sandison and Sellar. On motion of Senator Clarke, Senators Bluechel, Buffington, Jones, Lewis, Matson, Newschwander and Sellar were excused. On motion of Senator Odegaard, Senators Bottiger, Fleming, Francis, Keefe, McDermott and Sandison were excused.

The Color Guard, consisting of Pages Kevin Quigley and Shirley Townsend, presented the Colors. Reverend Stanley J. Workman, pastor of the Evergreen Christian Reformed Church of Olympia, offered the following prayer:

"LORD GOD ALMIGHTY, HEAR US AGAIN THIS DAY AS WE PAUSE BEFORE YOU FOR A TIME OF PRAYER. LOOK DOWN UPON THESE MEN AND WOMEN AND GRANT THEM YOUR GUIDANCE. GIVE TO THEM PATIENCE AS THEIR DUTIES DRAG ON LONGER THAN THEY EXPECTED. GIVE TO THEM UNDERSTANDING AS THEY CONFRONT THOSE WHO DISAGREE WITH THEM. GIVE TO THEM PEACE AS THEY ARE FACED AT TIMES WITH CRITICISM. GIVE TO THEM ENERGY AS THEY DAILY CARRY OUT THEIR REQUIRED DUTIES. THEY ARE YOUR OFFICIALS, O GOD, AND WE THANK YOU FOR THEIR TIME AND TALENTS AS THEY SERVE IN THEIR RESPECTIVE ROLES. HEAR US WE PRAY, IN JESUS' NAME. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

June 14, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 14, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2111: Doubling the amount of reimbursement allowed from counties to the Washington state association of county officials.

SUBSTITUTE SENATE BILL NO. 2161: Transferring funds in the community college bond retirement fund and reserve account to the general fund.

SENATE BILL NO. 2429: Revising the regulation of charitable solicitations.

SENATE BILL NO. 2500: Creating state route 285.

SUBSTITUTE SENATE BILL NO. 2529: Modifying procedures for construction and maintenance of highways.

SENATE BILL NO. 2678: Authorizing additional distribution of the computer tape on state-wide registered voters.

SUBSTITUTE SENATE BILL NO. 2889: Enumerating RCW sections governing allocation and distribution of funds for common school plant facilities.

SUBSTITUTE SENATE BILL NO. 3010: Making an appropriation to the tort claims revolving fund.

SUBSTITUTE SENATE BILL NO. 3028: Permitting proceeds from port district revenue bonds to be used for funding reserve accounts.

SUBSTITUTE SENATE BILL NO. 3071: Extending and updating the commercial fishing gear reduction program.

SUBSTITUTE SENATE BILL NO. 3105: Increasing the penalty for threatening to bomb or injure property.

SUBSTITUTE SENATE BILL NO. 2121: Redistricting printing and distribution of state reports and publications.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

June 14, 1977.

Mr. President: The House has concurred in the Senate amendments to REENGROSSED HOUSE BILL NO. 271, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 14, 1977.

Mr. President: The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1306, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 14, 1977.

Mr. President: The House has passed: THIRD SUBSTITUTE HOUSE BILL NO. 1188, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 14, 1977.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 183,
HOUSE BILL NO. 649, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

THIRD SUBSTITUTE HOUSE BILL NO. 1188, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Moreau, Kilbury, Greengo, Smith, Wilson, Schmitten, Taller, Chandler, Boldt, Owen, Burns, Becker and Berentson) (by Governor Ray request):

Allowing department of fisheries to deposit revenue into funds other than the general fund when so provided by law.

MOTIONS

On motion of Senator Peterson, Third Substitute House Bill No. 1188 was placed on the second reading calendar.

On motion of Senator Peterson, the rules were suspended, Third Substitute House Bill No. 1188 was advanced to second reading and read the second time in full.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2185.
 SUBSTITUTE HOUSE BILL NO. 183,
 HOUSE BILL NO. 649.

MESSAGE FROM THE HOUSE

June 14, 1977.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 318, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate refused to recede from the Senate amendments to Substitute House Bill No. 318, and asks the House for a conference thereon.

MESSAGE FROM THE HOUSE

June 14, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 2382, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 8, 1977.

Mr. Speaker:
 Mr. President:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 2382, authorizing senior citizen passports for admission to and use of state parks, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators von Reichbauer, Lewis and Gaspard; Representatives Hurley (Margaret), North and Paris.

MOTION

Senator Gaspard moved the report of the Free Conference on Substitute Senate Bill No. 2382 be adopted.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Gaspard yield? Senator, how will a senior citizen now make that determination as he drives up to the park gate, for the park ranger?"

Senator Gaspard: "Senator Rasmussen, let me explain in two ways. We have one section of the bill that says that this will not affect any existing type of program that our parks system now has for senior citizens. They have what is offered an Evergreen pass where citizens can buy for ten dollars and use the parks on off season times. This bill would then allow for a different type of a senior citizen pass that would give them a fifty percent reduction in the park fees. The way that we have determined it that we have said in the bill that if a senior citizen qualifies or if they own real estate and could qualify for a reduction in special levies under what we have provided in law already—we have, by the way, amended that so it will go up to a maximum of eight thousand this session of income—then that senior citizen can have a reduction in use of our overnight facilities in state parks. We have left it up to the discretion of the Parks Commission to adopt rules and regulations to implement this bill and it would be an annual pass that they would have to send out, and I am just assuming that they would have to send out some kind of a statement from the senior citizens to the park that they either meet the requirements as set forth in the reduction for special levies to them. So it is going to be an annual pass and this bill leaves it up to the discretion of the Parks Commission to establish procedure how they will have proof that the senior citizen does qualify for it."

Senator Rasmussen: "Is it possible that they would then require them to show their income tax form or something like that?"

Senator Gaspard: "I think that if they can show that they do receive a special levy reduction, they do on real property, that is, that is now provided in law, that will be sufficient. But I would assume then also that if they do not own real estate they would have to go to some type of similar procedure that senior citizens now do with their county assessor to have reductions in property taxes. I am just assuming this. And also, they could send out an affidavit to the senior citizen and have him return it and say that 'I have an income of such and such level,' and accept it as is."

Senator Rasmussen: "Then this is entirely different from the federal? The federal has what they call a Golden Eagle Pass and you just get it because of age and you can get that at any park and you can present it at any park."

Senator Gaspard: "That is true and that was the intent of the bill as it left the Senate, but the House was very insistent upon tying it to some income level and they tied it to the SSI benefits, which would have meant about eighteen percent of the retirees in the state could have qualified, because as you probably are aware, SSI benefits also relate to the assets that an individual owns and not only his income."

Senator Rasmussen: "Thank you, Senator Gaspard."

Debate ensued.

The motion by Senator Gaspard carried and the report of the Free Conference Committee on Substitute Senate Bill No. 2382 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2382, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; excused, 12.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—36.

Excused: Senators Bottiger, Buffington, Fleming, Francis, Jones, Keefe, Lewis, Matson, McDermott, Newschwander, Sandison, Sellar—12.

SUBSTITUTE SENATE BILL NO. 2382, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

REPORT OF CONFERENCE COMMITTEE

June 9, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, as amended by the Senate, establishing the legislative evaluation and accountability program committee have had the same under consideration, and we recommend that the following Senate amendments be stricken:

Page 1, line 3 of the title,

Page 2, line 32,

Page 4, line 14,

Page 4, line 27 striking New Section 13,

Page 5, striking section 17,

Page 5, beginning on line 3,

and the following Senate amendments as concurred in by the House on June 1, 1977 be adopted:

On page 1, line 3 of the title, after "RCW" strike "and declaring an emergency" and insert "; and prescribing an effective date"

On page 1, line 16, after "house." strike everything down to and including the period on line 22

On page 2, line 32, after "shall" insert "upon approval of a majority of the members of the respective house and senate committees on ways and means"

On page 3, beginning on line 21, strike all of subsection (2) and renumber the remaining subsections consecutively

On page 3, line 24, after "the" strike "proper state agencies" and insert "Office of Program Planning and Fiscal Management or its successor"

On page 3, line 30, strike all of subsection (5)

On page 4, line 10 after "administrator" strike ", and to fix the administrator's salary,"

On page 4, line 14 after "their" strike "salaries." and insert "initial salaries subject to the approval of the facilities and operations committee of the senate and the employment committee of the house of representatives, or their successors. The administrator, and such personnel as the legislative and accountability program committee shall hire, shall thereafter receive the same salary increases as the legislature provides for other state employees."

On page 4, line 27, strike new section 13. Renumber remaining sections consecutively.

On page 5, strike section 17.

On page 5, beginning on line 3, insert a new section 17 as follows:

"NEW SECTION. Sec. 17. The provisions of this chapter shall expire on January 1, 1979."

Signed by: Senators Donohue, Odegaard and Clarke; Representatives Polk, Shinpoch and Thompson.

MOTION

On motion of Senator Donohue, the report of the Conference Committee on Engrossed Substitute House Bill No. 660 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 660, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 1; excused, 12.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—35.

Absent or not voting: Senator Bausch—1.

Excused: Senators Bottiger, Buffington, Fleming, Francis, Jones, Keefe, Lewis, Matson, McDermott, Newschwander, Sandison, Sellar—12.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:27 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

NOON SESSION

The President called the Senate to order at 12:00 noon.

The President declared the Senate to be at ease.

The President called the Senate to order at 12:40 p.m.

MOTION

At 12:40 p.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

PERSONAL PRIVILEGE

Senator Day: "Mr. President and ladies and gentlemen of the Senate, I have in my hand here the Masonic Tribune from Seattle, Washington, dated June 13, 1977, and it has an editorial in it which I think is something maybe everyone could stand today in view of the fact that the title is 'The Road to Victory' and it is by Harry M. Lehrbach. I am not going to read the whole thing. I would like to have it in the record, however. It says, 'Open Letter to Governor Ray and the Washington State Legislature,' and it is a long dissertation with many factual details relative to the Laetrile bill and in it he not only lauds the Legislature for having the fortitude to do what it did; he in fact takes the hide off the FDA and says that the FDA would make the CIA look like a bunch of Boy Scouts by comparison to what they have done in the suppression of a lot of things relative to health, and I think that is one of the most primarily important things that we deal with here, not just because it is my

committee that principally deals with it. It is something that is very dear to all of us when we are in trouble and lose it. He ends it by saying:

"Therefore, it is with deep humility and sincerity that I say to all of you who passed this awakening bill, that if you have never done any act of consequence in the past, or never do another in the future, you have performed one of the most humanitarian accomplishments in the history of our state, and have earned your laurels permanently as far as I am concerned. And any criticism which I may have for you in the future will be tempered considerably by this act of merciful wisdom.

"Well done, good and noble servants."

Signed Harry M. Lehrbach.

"Now, I am going to have this Xeroxed so that all of you can read it and I urge you to read it because it will give you an inkling of the history that has gone on since the Constitution in this country made religious freedom a right but not medical freedom a right and therefore created many of the problems or set the stage for the creation of many of the problems that we have been trying to deal with here, at least the nineteen years I have been here, and for some years before. Thank you."

OPEN LETTER TO GOVERNOR RAY AND THE WASHINGTON STATE LEGISLATURE:

I believe I speak for a large segment of my readers when I express to you my satisfaction and gratitude to you for your recent action in the passage of the so-called Laetrile bill. It indicates clearly that you have exercised a keen sense of public awareness and are responsive to a problem that has reached the epidemic stage. From the testimony heard from some individual Legislators, they, too, have been personally affected by the ugly spectre of cancer.

Now that an anti-recriminatory law has been placed in effect, it is prudent to examine the probable results of this action. Obviously, the problem has not been solved, because the Food and Drug Administration, judging from its action in other states that have enacted similar laws, stands doggedly by to intercept and confiscate any and all raw materials imported into this state for the manufacture of Laetrile, even fresh apricots. They will further arrest and bring to trial all those persons engaged in it, even though the law they are upholding has never been ratified by the public, because it is not a law, but a directive issued by FDA. Thus, any Laetrile manufactured in Washington must be done strictly from raw materials obtained or grown here. Fortunately for us, this is possible.

There is one other route that has not yet been closed by FDA, and that is obtaining a court order under a doctor's recommendation that Laetrile is necessary for the welfare of the patient.

This may be difficult at first, for some doctors will still be reluctant to go against the wishes of AMA, which rigidly controls their actions. There are enough maverick doctors, however, to establish a pattern of efficacy of Laetrile, which will bring hundreds of others around to recommending it and administering it. On that point, Andrew R. L. McNaughton, the largest producer of Laetrile, plans to establish clinics in all the states that have legalized it to teach the doctors how to administer it properly, along with information pertinent to its effect on cancer. A necessary study will also have to be undertaken by these physicians on nutrition and its effects on the human body in all areas of illness.

It is interesting to note a typical admission from Dr. Coleman in his article in the Seattle Post Intelligencer May 31 when he states "Throughout my entire medical school training and long residency programs in three hospitals, I must confess there was never a formal course in nutrition given to us." This is typical, rather than an exception, and must be corrected.

To their everlasting credit, many individual doctors today are formally recognizing that there are other methods of arresting cancer besides the orthodox recommendation of cut, burn or poison. Particular attention is being paid to diet,

emotions, environment, and other factors pertaining to our daily lives. A serious side effect of this, however, is the rash of publicity lately that has accused everything we eat, drink, wear or do of causing cancer. All these pronouncements are not only premature, they bear a strong aura of sensationalism, and too much credence has been given to what are really unreliable results of immature probing in the name of research. Stricter control should be placed on this type of scare tactic.

One bit of possible good news is that the National Cancer Institute, a government agency which spent over \$900 million of our tax dollars on cancer last year alone, has finally decided to yield to public pressure and test Laetrile itself. Although research director Dr. Vincent DeVita personally thinks it is a fraud, he personally is willing to test it. It can only be hoped that he will enlist the aid of many of the top authorities on Laetrile, who have been working to develop it over the past twenty-five years. Dr. Dean Burke, perhaps America's top authority on Laetrile, and former head of the Cyto-chemical division of NCI, fears that if Laetrile is tested as a drug, the human tests would be "highly suspect" because Laetrile is not a drug, but a food. This is not a case of semantics, because the scientific standards for evaluating the effectiveness of a drug over that of food are so vastly different and more severe that Laetrile would be put to an unfair and impossible test. We can only hope that cool heads will prevail, and the tests will be properly conducted.

We can see another ray of hope in the entire FDA hierarchy. Just last week a special panel of experts said the lid of secrecy under which FDA operates should be lifted, and the public given a look at the way the agency decides the fate of new drugs. Dr. David P. Rall of the Review Panel on New Drug Regulations told a news conference "The FDA is really a large black box that no one can penetrate. No one knows what happens inside." It is not likely the FDA will do this voluntarily, but only under extreme public pressure. Many can testify that the actions by FDA in combatting Laetrile have made the CIA look like a bunch of Boy Scouts.

Continuing to battle against the use of Laetrile, in addition to AMA, will be the American Cancer Society. Only one of the reasons for this is that they are half owners of 5Flourouracil, the principal drug used in chemotherapy. Another major reason is their financial structure. If Laetrile were found to be to cancer remission what the Saulk vaccine was to polio, it would be vital to them to turn to another major disease in order to justify their existence. There is no major disease left of the major proportion of cancer, and they would be hard pressed to raise funds to add to their existing \$155 million surplus funds. They will not easily give up being the mouthpiece of a \$16 billion annual medical combine, of which they rake off their share. If they were really sincere in their efforts to end cancer forever, they could put a few million of that surplus to work, in honest research into non-toxic therapy, which they hold in total disdain.

It will be fascinating to watch the developments in the near future. As the discrimination against non-toxic cancer therapy diminishes, I am most confident that the incidence of cancer deaths will diminish in direct proportion. You have opened a vital door — don't let anyone or anything slam it in our faces.

There is a touch of sadness intermingled with my new enthusiasm, for all of my friends, including eight relatives, who lived before the day of enlightenment. But for the thousands who will NOT die from cancer in the future, we all should rejoice.

Therefore, it is with deep humility and sincerity that I say to all of you who passed this awakening bill, that if you have never done any act of consequence in the past, or never do another in the future, you have performed one of the most humanitarian accomplishments in the history of our state, and have earned your laurels permanently as far as I am concerned. And any criticism which I may have for you in the future will be tempered considerably by this act of merciful wisdom.

Well done, good and noble servants.

PERSONAL PRIVILEGE

Senator von Reichbauer: "Mr. President and members of the Senate, I was just chastised by the distinguished Senator from the Eleventh District, who earlier today was kind enough to give me a copy of the Washington State Conservative Union ratings for the Legislature, and I inadvertently had it Xeroxed so that every member could have a copy, and Senator Grant was disturbed that I had passed this out and, looking at Senator Grant's rating, I can see why he is disturbed."

MESSAGE FROM KING COUNTY COUNCIL

June 15, 1977.

Bruce K. Chapman
Secretary of State
Legislative Building
Olympia, WA 98504

Dear Sir:

The King County Council at a regular meeting today unanimously appointed Eric Rohrbach to fill the vacant Senate seat in the 33rd Legislative District.

Sincerely,
RUBY CHOW
Vice Chairman Presiding.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Eric Rohrbach and appointed Senators Marsh, Clarke, Guess and Ridder to escort Mr. Rohrbach to the Senate rostrum.

The President introduced Justice Robert Brachtenbach, Justice of the Washington State Supreme Court.

Justice Brachtenbach administered the oath of office to newly-appointed Senator Eric Rohrbach who replaced former Senator John Cunningham recently elected to the United States House of Representatives. Senator Rohrbach will represent the thirty-third legislative district.

The President welcomed the new Senator and business was suspended to permit Senator Rohrbach to address the Senate.

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

MOTION

At 2:23 p.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 4:40 p.m.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 318 and the Senate amendments thereto: Senators Rasmussen, Newschwander and Gaspard.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 2697.

POINT OF INFORMATION

Senator Beck: "I think we would all be very interested in knowing what the legal status of Second Substitute Senate Bill No. 2697 is. Has the bill been signed by the Speaker of the House?"

REPLY BY THE PRESIDENT

The President: "This copy has not been signed by the Speaker, Senator Beck."

Senator Beck: "What is the legal status of the bill then, or will that have to be determined at a later date?"

The President: "The President believes that that question will be determined at a later date, Senator Beck."

Senator Beck: "Thank you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, for Senator Beck's information, purely administrative function for the presiding officer to sign. At the time I was mayor, there were quite a few ordinances I probably wasn't one hundred percent for but I was instructed it was my duty to sign them because that was the required signature of the mayor if he was present or the vice mayor, even though he was for or against the ordinance. I am sure you find yourself in that same position, some of the laws that you sign, signify signed by the President of the Senate."

REPLY BY THE PRESIDENT

The President: "Senator Rasmussen, whereas some of the measures that the President signs are not necessarily of his choice, the signature merely attests to the fact that it passed the Senate. It does not constitute an endorsement."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Beck, did you receive that information?"

MOTION

At 4:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, June 16, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, June 16, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bausch, Bottiger, Buffington, Fleming, Francis, Mardesich, Matson, McDermott, Sandison and Walgren. On motion of Senator Jones, Senators Buffington and Matson were excused. On motion of Senator Odegaard, Senators Bausch, Fleming, Francis, Mardesich, McDermott, Sandison and Walgren were excused.

The Color Guard consisting of Pages Curtis Nelson and Kristin Bowers presented the Colors. Reverend Stanley J. Workman, pastor of the Evergreen Christian Reformed Church of Olympia, offered the following prayer:

"HEAR US GOD OF HEAVEN AND EARTH AS WE CALL UPON YOU. BEFORE YOU STAND A GROUP OF MEN AND WOMEN WHO HAVE BEEN CHOSEN TO BE LEADERS OF MEN. UPON THEIR SHOULDERS RESTS THE RESPONSIBILITY OF A LARGE PORTION OF THE GOVERNMENT OF THIS STATE. THEY ARE CONTINUALLY CONFRONTED WITH REPORTS, BILLS, REQUESTS, AND IMPORTANT ISSUES. THEY ARE DAILY CALLED UPON TO MAKE DECISIONS THAT WILL ALWAYS DISPLEASE SOMEONE. THEY ARE PRESSURED, CHALLENGED, AND ANALYZED. TO THESE SENATORS WE ASK THAT YOU GIVE A DEEP REALIZATION THAT THEIR RESPONSIBILITY OF GOVERNMENT MUST BE CARRIED OUT AS YOUR SERVANTS. HELP THEM MAKE FIRM AND CONSCIENTIOUS DECISIONS. HEAVENLY FATHER, MAKE ALL HERE EXPERIENCE THIS DAY AS A GOOD DAY IN THEIR LIVES. IN JESUS' NAME. AMEN."

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 15, 1977.

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

I have the honor to advise that on June 15, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2172: Licensing acupuncturists.

SENATE BILL NO. 2215: Revising probate laws.

SUBSTITUTE SENATE BILL NO. 2430: Authorizing class AA or Class A counties to assume the powers, functions, and obligations of a metropolitan municipal corporation.

SUBSTITUTE SENATE BILL NO. 2525: Making changes in the laws relating to transportation committees and authorizing studies.

SUBSTITUTE SENATE BILL NO. 2527: Defining criminal process of leased and rented motor vehicles and providing penalties.

SUBSTITUTE SENATE BILL NO. 2544: Making appropriations and authorizing reimburseable expenditures relating to highways.

SENATE BILL NO. 2563: Requiring presidential electors to vote for their party's nominee.

SUBSTITUTE SENATE BILL NO. 2654: Modifying public notice and judicial review provisions of the environmental policy act.

SENATE BILL NO. 2668: Enacting a Landlord-Tenant Act for mobile home lots.

SUBSTITUTE SENATE BILL NO. 3044: Regulating services and fees of physicians assistants in support of industrial insurance recipients.

SECOND SUBSTITUTE SENATE BILL NO. 3067: Establishing the Washington State Register.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

June 14, 1977.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 68,
SUBSTITUTE HOUSE BILL NO. 581,
SUBSTITUTE HOUSE BILL NO. 1265, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 15, 1977.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 49,
SUBSTITUTE HOUSE BILL NO. 936, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 14, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 928, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 15, 1977.

Mr. President: The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 2032,
SECOND SUBSTITUTE SENATE BILL NO. 2040,
SUBSTITUTE SENATE BILL NO. 2877, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 15, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1132, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 15, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 391, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 15, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 120, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 15, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2516, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 16, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2516, revising the laws relating to apiaries, have had the same under consideration, and we report that we are unable to agree and recommend that the House amendment to page 3, line 6, be adopted, and that the House amendment to page 3, line 10 not be adopted, and the powers of Free Conference be granted in order to additionally amend the bill as follows:

On page 3, line 10 after "year." insert, "A registration fee may be set by the department of agriculture in compliance with 34.04 RCW for the sole purpose of covering the expenses of the apiary board."

Signed by: Senators Gaspard, Benitz and Wilson; Representatives Becker, Boldt and Amen.

MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2516.

MESSAGE FROM THE HOUSE

June 15, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1310, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 13, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1310 as amended by the Senate, defining "date of filing" with regard to a permit for a variance or a conditional use under the shoreline management act, have had the same under consideration, and we recommend that the Senate amendments not be adopted, and the following substitute amendments be adopted:

On page 5, line 31, after "1969" strike "~~(+)~~"; or" and insert "; ~~((or))~~ and"

Beginning on page 5, line 32, after "(b)" strike all material down to and including "(c)" on page 6, line 7, and insert:

~~"((i) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and~~

~~(ii) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and~~

~~(iii) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and~~

~~(iv))"~~

Signed by: Senators Washington, Ridder and Murray; Representatives Valle, Douthwaite and Zimmerman.

MOTION

On motion of Senator Washington the report of the Free Conference Committee on Substitute House Bill No. 1310 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1310, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Rohrbach, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Wojahn, Woody—39.

Absent or not voting: Senator Scott—1.

Excused: Senators Bottiger, Buffington, Fleming, Francis, Mardesich, Matson, McDermott, Sandison, Walgren—9.

SUBSTITUTE HOUSE BILL NO. 1310, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 15, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 13, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120 as amended by the Senate, enacting an alternative to Initiative 59, have had the same under consideration, and we recommend the following:

That the Senate amendments be adopted with the following amendments:

On page 1 of the Senate amendments, beginning on line 6, strike all of section 1, and renumber the remaining sections consecutively.

On page 2 of the Senate amendments, line 38, strike "registered mail" and insert "certified mail, with acknowledgment of receipt of summons executed by defendant required."

Amend the title — On page 3 of the Senate amendments, beginning on line 26, strike "amending section 14, chapter 117, Laws of 1917 and RCW 90.03.110;"

Signed by: Senators Gaspard, Benitz and Washington; Representatives Charette, Newhouse and Valle.

MOTION

On motion of Senator Gaspard, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 1120 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1120, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Grant, Guess, Hayner, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Rohrbach, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Absent or not voting: Senator Scott—1.

Excused: Senators Bottiger, Bullington, Fleming, Francis, Matson, McDermott, Sandison—7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 15, 1977.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 2543 with the following amendments:

On page 2, line 23, after "house" insert "and for implementing the provisions of chapter ___, Laws of 1977 1st ex. sess. (SSB 2924) establishing a department of transportation, if such chapter is enacted into law, including the proportional funding of expenditures for programs of executive management and support, the study of appropriate funding sources for such department's functions, and the preparation of a preliminary budget for the department as required in said chapter"

On page 4, delete all of section 3 and insert:

"**NEW SECTION.** Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1979, from the Puget Sound reserve account in the motor vehicle fund . . . \$4,037,000 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420; and from the Puget Sound capital construction account in the motor vehicle fund . . . \$44,879,000 consisting of \$18,000,000 in federal funds and \$26,879,000 in state funds or so much thereof as may be necessary for improving the Washington state ferry system including, but not limited to, acquisition and construction of ferry vessels, major and minor vessel improvements, terminal construction and improvements: **PROVIDED,** That if substitute senate bill no. 2522 is not enacted into law in 1977 the state fund appropriation from the Puget Sound capital construction account shall be \$23,642,000: **PROVIDED FURTHER,** That prior to purchase of any vessel or the award of a contract for ferry vessel construction the highway commission shall review the proposed vessel acquisition program with the legislative transportation committee and the standing committees on transportation of the senate and house; and from the Puget Sound ferry operations account in the motor vehicle fund . . . \$14,431,000 or so much thereof as may be necessary for operations and maintenance of the ferry system to supplement tolls: **PROVIDED,** That if substitute senate bill no. 2537 is not enacted into law in 1977 the appropriation from the Puget Sound ferry operations account shall be \$3,846,000, or so much thereof as may be necessary for operations and maintenance of the ferry system to supplement tolls, and from the motor vehicle fund . . . \$10,585,000 or so much thereof as may be necessary to supplement the appropriation from the Puget Sound ferry operations account contained in this proviso: **PROVIDED,** That if substitute senate bill no. 2537 is enacted into law in 1977, no funds appropriated in this section from the motor vehicle fund to supplement the appropriation from the Puget Sound ferry operations account shall be available for expenditure.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Substitute Senate Bill No. 2543.

POINT OF INQUIRY

Senator Morrison: "Would Senator Henry yield to a question? Senator Henry, this is the highway budget. Does it necessitate the passage of a tax increase of some sort in order to pay for it?"

Senator Henry: "That is correct. However, as we have a variable gas tax bill, we also have a variable budget. In the event that the gas tax does not pass, we will have just enough money to patch the holes in the concrete on some of the roads. A lot of projects such as I-90 and those will be deleted."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2543, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent or not voting, 1; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Rohrbach, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—38.

Voting nay: Senators Grant, Pullen, Ridder—3.

Absent or not voting: Senator Scott—1.

Excused: Senators Bottiger, Buffington, Fleming, Francis, Matson, McDermott, Sandison—7.

SUBSTITUTE SENATE BILL NO. 2543, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2382.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 49,
 SUBSTITUTE HOUSE BILL NO. 68,
 SUBSTITUTE HOUSE BILL NO. 581,
 SUBSTITUTE HOUSE BILL NO. 928,
 SUBSTITUTE HOUSE BILL NO. 936,
 SUBSTITUTE HOUSE BILL NO. 1265.

MOTION

At 10:32 a.m., on motion of Senator Marsh, the Senate recessed until 12:00 noon.

NOON SESSION

The President called the Senate to order at 12:00 noon.

MOTION

At 12:02 p.m., on motion of Senator Marsh, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTIONS

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

On motion of Senator Marsh, the Senate commenced consideration of Engrossed House Bill No. 236.

On motion of Senator Jones, Senator Hayner was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 236, by Representatives Shinpoch, Flanagan, Thompson, Amen, Knedlik, Polk, Deccio, Ehlers and Knowles (by Legislative Budget Committee request):

Establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions.

REPORT OF STANDING COMMITTEE

April 20, 1977.

ENGROSSED HOUSE BILL NO. 236, establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5, after "includes" strike ", but is not limited to,"

On page 1, line 7, after "43.88.020(4)" and before "but" insert "and those generally known as executive management"

On page 2, line 22, after "Sec. 6" delete the remainder of lines 22 and 23 except the period and insert "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977"

On line 2 of the title, after "penalties;" and before "and" insert "declaring an emergency;"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Marsh, Morrison, Murray, Rasmussen, Ridder, Sandison, Scott.

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendments were adopted.

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

On page 1, lines 13 through 15, after "biennium;" strike all the matter down through "RCW" on line 15, and insert "or expend funds contrary to the terms, limits, or conditions of any appropriation made by law"

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

On motion of Senator Odegaard, the rules were suspended, Engrossed House Bill No. 236, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis: "Will Senator Odegaard yield? Senator Odegaard, on line 16, New Section 3, it reads: 'Where there is reason to believe that a present or former state officer or employee has violated or threatens to violate Section 2 of this act, the attorney general may initiate an appropriate civil action for the enforcement of this act.' Does this go back to any past actions, preceding passage of this bill also?"

Senator Odegaard: "Senator Lewis, 'or former state officer has violated'—I would think by that language that it could all right. I think probably that is partly an answer to Senator Goltz's question, in reading that language when he asked if an incoming Governor is given a fund, that apparently it has to be either a present or a former state employee. I don't see where it could include then an incoming Governor because she would not have been sworn in yet, or he, as the present or former state officer."

POINT OF INQUIRY

Senator Goltz: "Would Senator Odegaard yield to a question? Senator Odegaard, is the legislature's appropriation included under the provisions of this bill?"

Senator Odegaard: "As I understand it, Senator Goltz, those responsible for actual expenditures of the legislature, the Senate and the House, if they were in violation under this act they would also come under the bill."

Senator Goltz: "Would it be a violation to be expending funds at a rate greater than the total appropriation would allow if you were expecting to have those appropriations cover the operations of the legislature to the end of the appropriation period?"

Senator Odegaard: "You mean if they were overexpending at more than the revenues coming in to cover that expenditure?"

Senator Goltz: "Yes."

Senator Odegaard: "I would think so."

Senator Goltz: "And one other question. Would this apply to an incoming Governor who is not yet sworn in but who has an appropriation made to the transition of entering the office? Would this bill cover the Governor who is going to be sworn in after the appropriations are made? I didn't state that correctly—who is going to be sworn in following the responsibility for the administration of the interim budget for which the legislature has made available for that office?"

Senator Odegaard: "I would think that it could be if it was proven that it was intentional or negligent, it possibly could come under the act and be in violation."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 236, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 10; absent or not voting, 2; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Clarke, Day, Donohue, Gaspard, Guess, Henry, Herr, Jones, Keefe, Marsh, Monohon, Morrison, Newschwander, Odegaard, Petersor; Pullen, Rasmussen, Rohrbach, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—30.

Voting nay: Senators Bottiger, Goltz, Gould, Grant, Lewis, Murray, North, Ridder, Sellar, Wojahn—10.

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

Excused: Senators Buffington, Fleming, Francis, Hayner, Matson, McDermott, Sandison—7.

ENGROSSED HOUSE BILL NO. 236, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGES FROM THE HOUSE

June 16, 1977.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE HOUSE BILL NO. 1306, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 15, 1977.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 271,

SUBSTITUTE HOUSE BILL NO. 952, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 271,
SUBSTITUTE HOUSE BILL NO. 952.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE HOUSE BILL NO. 1306.

MOTION

At 2:20 p.m., on motion of Senator Marsh, the Senate recessed until 2:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:45 p.m.

MOTION

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

REPORT OF STANDING COMMITTEE

June 8, 1977.

SECOND SUBSTITUTE HOUSE BILL NO. 251, making changes in the senior citizens services act (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 23 after "That" strike "it is the intent of the legislature that"

On page 5, line 26 after "conserved" strike "to the maximum extent possible and replaced"

On page 5, following line 27, add a new section as follows:

"NEW SECTION. Sec. 7. The provisions of this 1977 amendatory act shall terminate on June 30, 1979, unless otherwise provided by law."

Renumber the remaining section accordingly.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Jones, Marsh, Morrison, Murray, Ridder, Sandison, Walgren, Washington.

On motion of Senator Donohue, the rules were suspended and Second Substitute House Bill No. 251 was advanced to second reading and read the second time by sections.

On motion of Senator Donohue, the committee amendments to page 5, line 23 and line 26 were considered and adopted simultaneously.

Senator Donohue moved adoption of the committee amendment to page 5, following line 27 adding a new section 7.

POINT OF INQUIRY

Senator Newschwander: "Would Senator Donohue yield to a question? Thinking about a program that is one year old, was a pilot program, since you have been in the Senate, have we ever terminated a program that we said was a pilot program or a one year or a two year? Have we ever terminated a program? Have we ever

rolled back a tax that was temporary? Do you really believe that we will have the intestinal fortitude on June 30, 1979 to cut this off?"

Senator Donohue: "Senator, I do not know whether we will have the intestinal fortitude to do so or not, but unless we put a cutoff date on it, we sure won't have the intestinal fortitude to even try. I personally can envision this program of extended services eventually costing a great amount of money, and as I said before, there is no doubt in my mind that this is a political program. It is political. And I would hope that we would be able to make a good judgment as to whether we have duplication, for instance, with other programs in the Department of Social and Health services between now and the cutoff date or when we come back here two years from now. In answer to your original question, the answer is, no, Senator, I don't know of any program that this Legislature has cut off, I personally do not know, cut off that has been started by the federal government."

Senator Newschwander: "Thank you, Senator Donohue."

Debate ensued.

The motion by Senator Donohue carried and the committee amendment was adopted.

On motion of Senator Donohue, the rules were suspended, Second Substitute House Bill No. 251, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator North yield to a question? Senator North, I was just scanning the report from—the only report that I have ever seen was from October through December 1976. You said you had a later report in the Social and Health Committee?"

Senator North: "Yes, we did, Senator Rasmussen, in April of this year."

Senator Rasmussen: "I wonder if the chairman of the Social and Health would make that report available to all of us."

"A further question, the Department of Social and Health contracted for one hundred thousand dollars for a study by the Gilmore group. Was that the report? The Gilmore report?"

Senator North: "The report that we had was from Neal Peterson, who came and gave us quite a detailed accounting of what had been accomplished. You realize, Senator Rasmussen, that the bill was passed and this was a report scarcely a year on the books, so that there is a start up period of time. It will take us a little bit longer to get the full impact of this. Now the Gilmore report I am not familiar with. You might want to address that question to Senator Day."

POINT OF INQUIRY

Senator Rasmussen: "Senator Day, did you receive a copy of the Gilmore report which was completed in February on this program?"

Senator Day: "Yes, but I didn't have time to read it."

Senator Rasmussen: "Senator Newschwander spoke of the impact that Senator North indicates we are going to receive from this program and that is why I was wondering if the report had been scrutinized."

Senator Day: "I haven't had time to read it, Senator Rasmussen."

Further debate ensued.

POINT OF INQUIRY

Senator Wilson: "Would Senator Donohue yield? Senator Donohue, occasionally we come across a program in this state where we find that for one reason or

another most of the benefits have been accruing to a metropolitan area and somehow the intended benefits of the program have not been filtering into the rural areas and the small cities and towns. My question is, when we come to the point of evaluating this program or reevaluating it a couple of years from now, would you not consider one of the more important factors to be an analysis as to whether or not the benefits are truly proportionately accruing to senior citizens in the rural areas and the small cities and towns of the state?"

Senator Donohue: "Senator, I understand exactly what you are talking about and I think that we had testimony in the Ways and Means Committee hearing that this program is being administered and used throughout the state and, surprisingly, in the very, very small communities, so during the period when we are going to really review this, I think that this is very important, that we review and see that those programs are continued out there and not just in the metropolitan areas. I think as a final statement and probably the reason for probably passing this piece of legislation, it seems to me that if this legislative session continues in length too much longer that most of us here are going to receive the benefits of what we are doing today by the time we get home."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 251, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Grant, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—41.

Voting nay: Senators Guess, Newschwander, Scott—3.

Excused: Senators Buffington, Francis, Hayner, Matson, McDermott—5.

SECOND SUBSTITUTE HOUSE BILL NO. 251, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 16, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 660, and has passed the bill as recommended by the Conference Committee.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 16, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2042, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 14, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred Engrossed Senate Bill No. 2042 as amended by the House, changing the requirements for a pilot's license, have had the same under consideration, and we recommend (1) that the following House amendments be adopted:

On page 9, line 7, strike "member" and insert "members"

On page 9, line 18, after "(6)" insert "All pilots and"

On page 10, in lines 23, 24 & 25 after "who shall" insert "knowingly"

On page 12, line 32, after "RCW." insert "The board shall prescribe the time of and method for retention of forms which have been signed by the master of a vessel in accordance with the provisions of this section."

and (2) we report that we cannot agree regarding the remaining House amendments and request that the powers of Free Conference be granted in order to recommend the following amendments be substituted and adopted:

1. On page 2 of the printed engrossed bill, beginning on line 15, strike all of the material down to and including "board." on page 4, and insert the following:

"Sec. 2. Section 1, chapter 18, Laws of 1935 as last amended by section 73, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the secretary of the department of transportation of the state of Washington, or the secretary's designee who shall be an employee of the department of transportation, who shall be ~~((chairman of the board, and of four))~~ chairperson, and six members appointed by the governor and confirmed by the senate. Each of said appointed commissioners shall be appointed for a term of four years from the date of ~~((his))~~ said member's commission. No person shall be eligible for appointment to said board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of ~~((their))~~ appointment. Two of said appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of ~~((their))~~ appointment. One of said shipping ~~((individuals))~~ commissioners shall be a representative of American and one of foreign shipping. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on the effective date of this 1977 amendatory act, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointed commissioners shall continue to hold office for the period for which they are appointed and until their successors are appointed and qualified, ~~((and))~~ except that the governor when first appointing commissioners after the effective date of this 1977 amendatory act, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively. Any vacancy in an appointed position on the board shall be filled by the governor for a term of four years, subject to confirmation by the senate.

(3) Five members of the board shall constitute a quorum. All commissioners and the chairperson shall have a vote.

Sec. 3. Section 2, chapter 18, Laws of 1935 as last amended by section 74, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.020 are each amended to read as follows:

The department of transportation of the state of Washington shall be the office of the board and all records shall be kept in said office. Each pilotage commissioner shall receive the sum of (~~twenty-five~~) forty dollars per day for each day actually engaged in the conduct of the business of the board, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the (~~chairman~~) chairperson of the board: PROVIDED, That the sums received under this section shall not be considered compensation earnable as defined pursuant to RCW 41.40.010(8).

The board is authorized to employ personnel, pursuant to chapter 41.06 RCW, as necessary to conduct the business of the board."

2. On page 1, line 1 of the title after "pilotage;" and before "amending" on line 5 of the title, strike all of the material and insert: "amending section 1, chapter 18, Laws of 1935 as last amended by section 73, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 74, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.020;"

3. On page 10, after line 32, strike the entire section through and including "rest." on page 11, line 8, and insert:

"(1) Pilots, after completion of an assignment or assignments which are seven hours or longer in duration, shall receive a mandatory rest period of seven hours.

(2) A pilot shall refuse a pilotage assignment if said pilot is physically or mentally fatigued or if said pilot has a reasonable belief that the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment as herein provided a pilot shall submit a written explanation to the board. If the board finds that the pilot's written explanation is without merit, or reasonable cause did not exist for the assignment refusal, such pilot may be subject to the provisions of RCW 88.16.100 as now existing or hereafter amended.

(3) The board shall quarterly review the dispatch records of pilot organizations or pilot's quarterly reports to ensure the provisions of this section are enforced. The board may prescribe rules for rest periods pursuant to chapter 34.04 RCW."

4. On page 15, after line 12, insert the following new section, renumber the remaining sections and correct internal references accordingly:

"NEW SECTION. Sec. 16. There is added to chapter 88.16 RCW a new section to read as follows:

Any vessel designed for the purpose of carrying as its cargo liquified natural or propane gas shall adhere to the provisions of RCW 88.16.190(2) as though it was an oil tanker."

Signed by: Senators Talley, Wanamaker and Mardesich; Representatives Conner, Charnley and Gilleland.

MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2042.

THIRD READING

ENGROSSED HOUSE BILL NO. 1133, by Representatives Conner, Kilbury, Gallagher, Knowles, McCormick, Hanna, Grier, Struthers, Fuller and Gaines:

Authorizing certain golfing sweepstakes under gambling act.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1133, as amended by the Free Conference Committee, on reconsideration.

Debate ensued.

POINT OF INQUIRY

Senator von Reichbauer: "Will Senator Van Hollebeke answer a question? Senator Van Hollebeke, you stated under the proposal of your bill the management will not partake in the gambling. Does this mean that they will not get a percentage of the take or does it also mean they cannot themselves participate in the card games?"

Senator Van Hollebeke: "What I meant was this, that we want to avoid the situation where the landlord becomes part of the project by upping the rent according to what he thinks the take of the bingo operation is. We want to give the Gambling Commission a handle on that so that they can set that and not allow that to exceed what is a reasonable rent for the value of the property."

POINT OF INQUIRY

Senator Gould: "Would Senator Van Hollebeke yield? I have been assured that this bill does not increase the gambling potential beyond any legislation that we have already passed in this body or what is already on the books. Would you agree with that?"

Senator Van Hollebeke: "To my recollection that is correct. The only two measures of gambling that are in this bill were passed in other bills but not passed by the House in the same bill, but we did approve of those two things in other bills."

Senator Gould: "But only by this body and not yet by the House. And those are RENO nights and what else?"

Senator Van Hollebeke: "Reno nights and and allows people to gamble in private clubs, to play card games and so forth as long as the house does not take any part of the take nor does not provide the cards or what paraphernalia for gambling. No participation by the house."

Senator Gould: "Thank you, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1133, as amended by the Free Conference Committee, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 35; nays, 9; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Gould, Grant, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wojahn, Woody—35.

Voting nay: Senators Bluechel, Goltz, Guess, North, Pullen, Ridder, Scott, Washington, Wil—9.

Excused: Senators Buffington, Francis, Hayner, Matson, McDermott—5.

ENGROSSED HOUSE BILL NO. 1133 as amended by the Free Conference Committee, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:30 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, June 17, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, June 17, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Buffington, Hayner, Herr, Matson and Woody. On motion of Senator Sellar, Senators Hayner, Buffington and Matson were excused. On motion of Senator Marsh, Senators Bottiger, Herr and Woody were excused.

The Color Guard, consisting of Pages Kelley Grubb and Dan Ball, presented the Colors. Reverend Stanley J. Workman, pastor of the Evergreen Christian Reformed Church of Olympia, offered the following prayer:

"TRIUNE GOD, WE PAUSE TO PRAISE YOU FOR YOUR GREATNESS, HOLINESS, AND PRESENCE IN OUR LIVES. WE GIVE THANKS FOR OUR LIVES THIS DAY AND FOR THE WORK AND OPPORTUNITIES THAT ARE BEFORE US TODAY. IN CONFESSION, WE RECOGNIZE OUR WEAKNESSES AND DEPENDENCE AND LEAN ON YOU FOR OUR STRENGTH. IN REQUEST THIS DAY WE ASK YOU, OUR GOD, TO GRANT EACH PERSON HERE PRESENT A DAY OF JOY. LOOK DOWN UPON EACH MAN AND WOMAN, SEE THEIR PERSONAL AND PRIVATE NEEDS AND IN YOUR GOODNESS FILL THESE NEEDS AND GUIDE THEIR LIVES. THANK YOU FOR THIS DAY. IN JESUS' NAME. AMEN."

MOTION

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

PERSONAL PRIVILEGE

Senator Grant: "Mr. President, I neglected to have my name put on the literature that Senator Guess has reference to."

MESSAGE FROM THE HOUSE

June 16, 1977.

Mr. President: The House has passed: SECOND SUBSTITUTE HOUSE BILL NO. 388, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 2543.

MOTION

At 10:15 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

NOON SESSION

The President called the Senate to order at 12:00 noon.

MESSAGES FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1310, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2419, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 17, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2419, excluding law enforcement officers from the prohibition of recording private communications, have had the same under consideration, and we report that we cannot agree and request powers of free conference in order to propose the following: That the House amendments not be adopted, that the Senate bill be stricken and that the bill read as follows:

AN ACT Relating to privacy; amending section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030; amending section 4, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.060; amending section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.090; and adding new sections to chapter 9.73 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, ~~((record or divulge))~~ or record any:

((++)) (a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

~~((2))~~ (b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding the provisions of subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, crime, or other disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

Sec. 2. Section 4, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.060 are each amended to read as follows:

Any person who, directly or by means of a detective agency or any other agent, violates the provisions of ~~((RCW 9.73.030))~~ this chapter shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this statute has injured his business, his person, or his reputation. A person so injured shall be entitled ~~(, in addition to other injuries,)~~ to ~~((recover for))~~ actual damages, including mental pain and suffering endured by him on account of violation of the provisions of ((RCW 9.73.030)) this chapter, or liquidated damages computed at the rate of one hundred dollars a day for each day of violation, not to exceed one thousand dollars, and a reasonable attorney's fee and other costs of litigation.

Sec. 3. Section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police and fire personnel in the following instances:

~~((1))~~ (a) Recording incoming telephone calls to police and fire stations ~~((for the purpose and only for the purpose of verifying the accuracy of reception of emergency calls));~~

~~((2))~~ (b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

~~((a))~~ (i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording~~((:));~~

~~((b))~~ (ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof~~((:));~~

~~((c))~~ (iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording~~((:))~~;

~~((d))~~ (iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under this section shall be effective for not more than seven days, after which period the issuing authority may upon application of the officer who secured the original authorization renew or continue the authorization for an additional period not to exceed seven days.

NEW SECTION. Sec. 4. There is added to chapter 9.73 RCW a new section to read as follows:

It shall not be unlawful for the owner or person entitled to use and possession of a building, as defined in RCW 9A.04.110(5), or the agent of such person, to intercept, record, or disclose communications or conversations which occur within such building if the persons engaged in such communication or conversation are engaged in a criminal act at the time of such communication or conversation by virtue of unlawful entry or remaining unlawfully in such building.

NEW SECTION. Sec. 5. There is added to chapter 9.73 RCW a new section to read as follows:

(1) Within thirty days after the expiration of an authorization or an extension or renewal thereof issued pursuant to RCW 9.73.090(2) as now or hereafter amended, the issuing or denying judge shall make a report to the administrator for the courts stating that:

(a) An authorization, extension or renewal was applied for;

(b) The kind of authorization applied for;

(c) The authorization was granted as applied for, was modified, or was denied;

(d) The period of recording authorized by the authorization and the number and duration of any extensions or renewals of the authorization;

(e) The offense specified in the authorization or extension or renewal of authorization;

(f) The identity of the person authorizing the application and of the investigative or law enforcement officer and agency for whom it was made; and

(g) The character of the facilities from which or the place where the communications were to be recorded.

(2) In addition to reports required to be made by applicants pursuant to federal law, all judges of the superior court authorized to issue authority pursuant to this chapter shall make annual reports on the operation of this chapter to the administrator for the courts. The reports by the judges shall contain (a) the number of applications made; (b) the number of authorizations issued; (c) the respective periods of such authorizations; (d) the number and duration of any renewals thereof; (e) the crimes in connection with which the conversations were sought; (f) the names of the applicants; and (g) such other and further particulars as the administrator for the courts may require.

The chief justice of the supreme court shall annually report to the governor and the legislature on such aspects of the operation of this chapter as he deems appropriate including any recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this chapter and to assure and protect individual rights.

NEW SECTION. Sec. 6. There is added to chapter 9.73 RCW a new section to read as follows:

Each application for an authorization to record communications or conversations pursuant to RCW 9.73.090 as now or hereafter amended shall be made in writing upon oath or affirmation and shall state:

(1) The authority of the applicant to make such application;

(2) The identity and qualifications of the investigative or law enforcement officers or agency for whom the authority to record a communication or conversation is sought and the identity of whoever authorized the application;

(3) A particular statement of the facts relied upon by the applicant to justify his belief that an authorization should be issued, including:

(a) The identity of the particular person, if known, committing the offense and whose communications or conversations are to be recorded;

(b) The details as to the particular offense that has been, is being, or is about to be committed;

(c) The particular type of communication or conversation to be recorded and a showing that there is probable cause to believe such communication will be communicated on the wire communication facility involved or at the particular place where the oral communication is to be recorded;

(d) The character and location of the particular wire communication facilities involved or the particular place where the oral communication is to be recorded;

(e) A statement of the period of time for which the recording is required to be maintained, if the character of the investigation is such that the authorization for recording should not automatically terminate when the described type of communication or conversation has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(f) A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

(4) Where the application is for the renewal or extension of an authorization, a particular statement of facts showing the results thus far obtained from the recording, or a reasonable explanation of the failure to obtain such results;

(5) A complete statement of the facts concerning all previous applications, known to the individual authorizing and to the individual making the application,

made to any court for authorization to record a wire or oral communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each application; and

(6) Such additional testimony or documentary evidence in support of the application as the judge may require.

NEW SECTION. Sec. 7. There is added to chapter 9.73 RCW a new section to read as follows:

Within a reasonable time but not later than thirty days after the termination of the period of the authorization or of extensions or renewals thereof, or the date of the denial of an authorization applied for under RCW 9.73.090 as now or hereafter amended, the issuing authority shall cause to be served on the person named in the authorization or application for an authorization, and such other parties to the recorded communications as the judge may in his discretion determine to be in the interest of justice, an inventory which shall include:

(1) Notice of the entry of the authorization or the application for an authorization which has been denied under RCW 9.73.090 as now or hereafter amended;

(2) The date of the entry of the authorization or the denial of an authorization applied for under RCW 9.73.090 as now or hereafter amended;

(3) The period of authorized or disapproved recording; and

(4) The fact that during the period wire or oral communications were or were not recorded.

The issuing authority, upon the filing of a motion, may in its discretion make available to such person or his attorney for inspection such portions of the recorded communications, applications and orders as the court determines to be in the interest of justice. On an ex parte showing of good cause to the court the serving of the inventory required by this section may be postponed or dispensed with.

Signed by: Senators Francis, Clarke and Mardesich; Representatives Knowles, Newhouse and Enbody.

MOTION

On motion of Senator Sandison, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2419.

MOTIONS

On motion of Senator Jones, Senator Scott was excused.

On motion of Senator Marsh, Senators Donohue, Odegaard and Wilson were excused.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2042, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 14, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL 2042 as amended by the House, making changes in the requirements for a pilot's license, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Talley, Wanamaker and Mardesich; Representatives Conner, Gilleland and Charnley.

MOTION

On motion of Senator Sandison, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 2042, was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2042, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 4; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Ridder, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—36.

Absent or not voting: Senators Gould, Grant, McDermott, Rasmussen—4.

Excused: Senators Buffington, Donohue, Fleming, Hayner, Herr, Matson, Odegaard, Scott, Wilson—9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2042, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2516, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 17, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred Engrossed Senate Bill 2516, revising the laws relating to apiaries, have had the same under consideration, and we recommend that the bill be additionally amended as follows:

On page 3, line 10 after "year." insert, "A registration fee may be set by the department of agriculture in compliance with 34.04 RCW for the sole purpose of covering the expenses of the apiary board."

Signed by: Senators Gaspard, Benitz and Wilson; Representatives Becker, Boldt and Amen.

MOTION

On motion of Senator Jones, Senator Gould was excused.

MOTION

On motion of Senator Gaspard, the report of the Free Conference Committee on Engrossed Senate Bill No. 2516 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2516, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 2; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Grant, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Monohon, Morrison, Murray, Newschwander, North, Peterson, Pullen, Ridder, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn, Woody—37.

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

Excused: Senators Buffington, Donohue, Fleming, Gould, Hayner, Herr, Matson, Odegaard, Scott, Wilson—10.

ENGROSSED SENATE BILL NO. 2516, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:20 p.m., on motion of Senator Marsh, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MESSAGES FROM THE HOUSE

June 15, 1977.

Mr. President: The Speaker has signed: SENATE BILL NO. 2185, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 16, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 1132, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 16, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 2382, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 16, 1977.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE HOUSE BILL NO. 391, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 16, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 120, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 120,
SECOND SUBSTITUTE HOUSE BILL NO. 391,
SUBSTITUTE HOUSE BILL NO. 1132.

REPORT OF CONFERENCE COMMITTEE

June 15, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1348, as amended by the Senate, providing for increased coverage for uninsured motorists at the purchaser's option, have had the same under consideration, and we report that we cannot agree, and request powers of Free Conference in order to recommend the following:

That the Senate amendment not be adopted and the following substitute amendments be adopted:

On page 1, beginning on line 13, after "RCW 46.29.490" strike all material down to and including "option," on line 15, and insert "or, at the purchaser's option, up to the limits of the purchaser's motor vehicle liability coverage provided against loss from bodily injury or death"

On page 1, line 25, after "insurer." insert "Regardless of the number of motor vehicles insured under the uninsured or underinsured motorist coverage of any such policy, or the number of policies carried by an insured providing such coverage, the liability of the insurer or insurers may, at the purchaser's option, be limited to the amount stated in the policy providing the highest of such limits for such uninsured or underinsured coverages, prorated among the several insurers on the basis of their coverages: PROVIDED, That the liability of each insurer shall not exceed the limit of its coverage."

Any policy pursuant to the provisions of this section may provide that upon payment of a claim the insurer may, to the extent of such payment, be subrogated to any net amount recovered from the underinsured motorist or his insurer."

Signed by: Senators Bottiger, Clarke and Francis; Representatives Douthwaite, Knedlik and Taller.

MOTION

On motion of Senator Bottiger, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 1348.

MESSAGE FROM THE HOUSE

June 14, 1977.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2910 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 45, Laws of 1970 ex. sess. as amended by section 29, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.010 are each amended to read as follows:

The legislature finds that the present and predicted growth in energy demands in the state of Washington requires the development of a procedure for the selection and utilization of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods, that the location and operation of such facilities will produce minimal adverse effects on the environment(~~(ecology)~~) of the land and its wildlife, and (~~(the ecology)~~) of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public. Such action will be based on these premises:

(1) To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and are technically sufficient for their welfare and protection.

(2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

(3) To provide abundant energy at reasonable cost.

(4) To require compliance with local land use plans and zoning ordinances with respect to energy facility sites.

It is the intent of this chapter to expedite the certification of sites for energy facilities subject to this chapter, to minimize duplication of effort in conducting studies of and preparing environmental impact statements relating to such sites, to authorize and encourage cooperation between the council and counties, other governmental agencies, and municipal or public corporations in connection with such sites, and to provide for a single detailed statement in accordance with RCW 43.21C.030(2)(c) where any proposed energy facilities are subject to certification pursuant to chapter 80.50 RCW, and to further the development of facilities to meet pressing needs.

Sec. 2. Section 2, chapter 45, Laws of 1970 ex. sess. as amended by section 30, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.020 are each amended to read as follows:

(1) "Applicant" means any person who makes application for a site (~~(location)~~) certification pursuant to the provisions of this chapter;

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires;

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized;

(4) "Site" means any proposed or approved location(~~(,for)~~) of an energy facility;

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW (~~(80.50.050)~~) 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility;

(6) "Associated facilities" means (~~(new)~~) storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid: PROVIDED, That common carrier railroads or motor vehicles shall not be included;

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquified petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility (~~(or more specifically, a "gas transmission line" as defined by the office of pipeline safety, United States department of transportation)~~), except an interstate natural gas pipeline regulated by the United States federal power commission;

(8) (~~"Energy transmission corridor" means land jointly used for more than one new transmission facility;~~

~~(9))~~ "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies;

~~((+0))~~ (9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities;

~~((++))~~ (10) "Energy facility" means an energy plant(~~(,)~~) or transmission facilities(~~(,or an energy transmission corridor)~~): PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense;

~~((+2))~~ (11) "Council" means the energy facility site evaluation council created by RCW 80.50.030;

~~((+3))~~ (12) "Counsel for environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080;

~~((+4))~~ (13) "Construction" means (~~(on-site work and construction shall not be deemed to have commenced until there has been an expenditure of not less than~~

two hundred fifty thousand dollars in)) on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars;

~~((+15) "Chairman" means the chairman of the council;~~

~~(+16) "Member agency" means departments, agencies and commissions enumerated in RCW 80.50.030(3) as now or hereafter amended;~~

~~(+7)) (14) "Energy plant" means the following facilities together with their associated facilities:~~

~~(a) Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities;~~

~~(b) Facilities which will ~~((result in receipt of))~~ have the capacity to receive liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;~~

~~(c) Facilities which will ~~((result in the receipt of))~~ have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquified petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;~~

~~(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and~~

~~(e) Facilities ~~((which will result in the))~~ capable of processing ~~((of))~~ more than twenty-five thousand barrels per day of petroleum into refined products;~~

~~(15) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapters 35.63, 35A.63, or 36.70 RCW;~~

~~(16) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapters 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.~~

Sec. 3. Section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 31, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is hereby created and established the "energy facility site evaluation council".

(2) The ~~((nonvoting))~~ chairman of the council shall be ~~((the director of the state energy office. PROVIDED, That the director may designate a deputy director or assistant director to serve as chairman))~~ appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor and shall be removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.040. The chairman shall be deemed a "state employee" for the purposes of chapter 42.18 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions and committees or their statutory successors:

- (a) Department of ecology
- (b) Department of fisheries
- (c) Department of game
- (d) Department of parks and recreation
- (e) Department of social and health services
- (f) ~~((Interagency committee for outdoor recreation))~~ State energy office
- (g) Department of commerce and economic development
- (h) Utilities and transportation commission

- (i) Office of program planning and fiscal management
- (j) Department of natural resources
- (k) Planning and community affairs agency
- (l) Department of emergency services
- (m) Department of agriculture
- (n) Department of highways.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents and such member or designee shall serve until there has been a final acceptance or rejection of such proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 4. Section 4, chapter 45, Laws of 1970 ex. sess. as amended by section 32, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.04 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To appoint an executive secretary to serve at the pleasure of the council;

(3) To appoint and prescribe the duties of such clerks, employees and agents as may be necessary to carry out the provisions of this chapter: PROVIDED, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;

(4) To develop and apply ((topicat)) environmental and ecological guidelines in relation to the type, design, ((and)) location, construction, and operational conditions of certification of energy facilities subject to this chapter;

(5) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;

(6) To prescribe the form, content, and necessary supporting documentation for site certification;

(7) To receive applications for ((site)) energy facility locations and to investigate the sufficiency thereof;

(8) To make and contract, when applicable, for independent studies of sites proposed by the applicant;

(9) To conduct hearings on the proposed location of the ((sites)) energy facilities;

(10) To prepare written reports to the governor which shall include: (a) a statement indicating whether the application is in compliance with the council's ((topicat)) guidelines, (b) criteria specific to the site and transmission line routing,

(and) (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(11) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council shall retain authority for determining compliance relative to monitoring;

(12) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication; and

(13) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington.

Sec. 5. Section 6, chapter 45, Laws of 1970 ex. sess. as amended by section 34, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.060 are each amended to read as follows:

(1) The provisions of this chapter shall apply to ((those energy facilities to be newly constructed or installed anywhere within the state of Washington, or to)) the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of ((such)) existing energy facilities where the ((new)) net increase in physical capacity ((being added)) or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions ((defined in RCW 80.50.020)) set forth in RCW 80.50.020(7) and (17), as now or hereafter amended. No construction of such energy facilities ((or energy transmission corridors)) may be undertaken, except as otherwise provided in this chapter, after ((March 15, 1976)) the effective date of this 1977 amendatory act, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions ((of an energy facility)) beyond those set forth in RCW 80.50.020 (7) and (17), as now or hereafter amended.

(3) Applications for certification of ((thermal power plants and associated transmission lines)) energy facilities made prior to ((March 15, 1976;)) the effective date of this 1977 amendatory act shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding ((March 15, 1976)) the effective date of this 1977 amendatory act with the exceptions of sections 13 and 14 of this 1977 amendatory act which shall apply to such prior applications and to site certifications prospectively from the effective date of this 1977 amendatory act.

(4) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 6. Section 8, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.080 are each amended to read as follows:

After the council has received a site application, the attorney general shall appoint an assistant attorney general ((or a special assistant attorney general as a counsel for the environment who shall be a member of the bar of the state of Washington)) as a counsel for the environment. The counsel for the environment shall represent the public and its interest in protecting the quality of the environment ((for the duration of the certification proceedings, until such time as the certification is issued or denied)). Costs incurred by the counsel for the environment in the performance of these duties shall be charged to the office of the attorney general,

and shall not be a charge against the appropriation to the energy facility site evaluation council. He shall be accorded all the rights, privileges and responsibilities of an attorney representing a party in a formal action. This section shall not be construed to prevent any person from being heard or represented by counsel in accordance with the other provisions of this chapter.

Sec. 7. Section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090 are each amended to read as follows:

(1) The council shall conduct a public (~~(hearing)~~) meeting in (~~(the county of the proposed site)~~) each county within which an energy facility is proposed to be located within sixty days of receipt of an application for site certification(~~(-PROVIDED, That))~~ to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views. The place of such public (~~(hearing)~~) meeting shall be as close as practical to the proposed site. For an application for an energy facility with a multi-county site, the series of meetings in the several counties shall begin within sixty days of receipt of an application for site certification. The council may consolidate meetings among counties when such consolidation is approved by the appropriate county legislative authorities.

(2) The council (~~(must)~~) shall determine (~~(at the initial public hearing))~~, before commencing a hearing pursuant to subsection (3) of this section, whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances. Upon receipt of notification from the council that an application has been filed, a city, county, or regional planning authority shall file with the council within ten days certified copies of applicable land use plans and/or zoning ordinances in effect as of the date of application. If it is determined that the proposed site (~~(does conform)~~) is consistent and in compliance with existing land use plans or zoning ordinances applicable to the location of the energy facility in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change (~~(such)~~) applicable land use plans or zoning ordinances so as to affect the proposed site unless the application for certification is subsequently rejected or withdrawn.

If it is determined that the site is not consistent or in compliance with existing land use plans or zoning ordinances in effect as of the date of the application, the applicant may request a change in, or permission under, such plans or ordinances by the local legislative authority, which shall determine within one hundred twenty days whether to grant or deny the request. Further processing of the application by the council shall terminate and unexpended portions of any fees paid by the applicant shall be returned upon a decision to deny the request. Until such decision is made, the council may, at the applicant's request, continue processing the application: PROVIDED, That the council shall not report its recommendation to the governor pursuant to RCW 80.50.100(1) as now or hereafter amended. Upon a decision to grant the request, processing of the application shall proceed.

(3) Except as provided in section 15 of this 1977 amendatory act, prior to the issuance of a council recommendation to the governor under RCW 80.50.100, a public hearing, conducted as a contested case under chapter 34.04 RCW, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

Sec. 8. Section 10, chapter 45, Laws of 1970 ex. sess. as amended by section 36, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.100 are each amended to read as follows:

(1) The council shall report to the governor its recommendations as to the approval or (~~(disapproval)~~) rejection of an application for certification within twelve

months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant. If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter, including, but not limited to, conditions to protect state or local governmental or community interests affected by the construction or operation of the energy facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(2) Within sixty days of receipt of the council's report the governor shall ((approve or reject the application for certification)) take one of the following actions:

(a) Approve the application and execute the draft certification agreement; or

(b) Reject the application; or

(c) Direct the council to reconsider certain aspects of the draft certification agreement.

The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the contested case for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within sixty days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(3) The ((issuance of denial)) rejection of ((the)) an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

~~((4) Upon approval by the governor of the application for certification the chairman of the council shall within thirty days compose and submit a certification agreement for execution by the governor and the applicant.))~~

Sec. 9. Section 11, chapter 45, Laws of 1970 ex. sess. as amended by section 37, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.110 are each amended to read as follows:

(1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this chapter shall govern and control and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

(2) The state hereby preempts the regulation and certification of the ((location;)) type, design, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 as now or hereafter amended.

The state shall not preempt land use plans or zoning ordinances governing the site of an energy facility.

Sec. 10. Section 12, chapter 45, Laws of 1970 ex. sess. as amended by section 38, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.120 are each amended to read as follows:

(1) Subject to the conditions set forth therein any certification ~~((signed by the governor))~~ shall bind the state and each of its departments, agencies, divisions, bureaus, commissions ~~((or)), boards ((of this state)), and political subdivisions,~~ whether a member of the council or not, as to the approval of the site and the construction and operation of the proposed energy facility.

(2) The certification shall authorize the person named therein to construct and operate the proposed energy facility subject only to the conditions set forth in such certification.

(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission ~~((or))~~, board, or political subdivision of this state, whether a member of the council or not.

Sec. 11. Section 14, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.140 are each amended to read as follows:

(1) The approval or rejection of an application for certification by the governor shall be subject to judicial review pursuant to the provisions of chapter 34.04 RCW.

(2) Objections raised by any party in interest concerning procedural error by the council shall be filed with the council within sixty days of the commission of such error, or within thirty days of the first public hearing or meeting of the council at which the general subject matter to which the error is related is discussed, whichever comes later, or such objection shall be deemed waived for purposes of judicial review as provided in this section.

~~((2))~~ (3) The rules and regulations adopted by the council shall be subject to judicial review pursuant to the provisions of chapter 34.04 RCW.

Sec. 12. Section 15, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.150 are each amended to read as follows:

(1) The courts are authorized to grant such restraining orders, and such temporary and permanent injunctive relief as is necessary to secure compliance with this chapter and/or with a site certification agreement issued pursuant to this chapter. The court may assess civil penalties in an amount not less than one thousand dollars per day nor more than twenty-five thousand dollars per day for each day of construction or operation in material violation of this chapter, or in material violation of any site certification agreement issued pursuant to this chapter. The court may charge the expenses of an enforcement action relating to a site certification agreement under this section, including, but not limited to, expenses incurred for legal services and expert testimony, against any person found to be in material violation of the provisions of such certification: PROVIDED, That the expenses of a person found not to be in material violation of the provisions of such certification, including, but not limited to, expenses incurred for legal services and expert testimony, may be charged against the person or persons bringing an enforcement action or other action under this section.

(2) Wilful violation of any provision of this chapter shall be a gross misdemeanor.

(3) Civil ~~((or criminal))~~ proceedings to enforce this chapter may be brought ~~((through))~~ by the attorney general ~~((by))~~ or the prosecuting attorney of any county affected by the violation on his own motion or at the request of the council. Criminal proceedings to enforce this chapter may be brought by the prosecuting attorney of any county affected by the violation on his own motion or at the request of the council.

(4) The remedies and penalties in this section, both civil and criminal, shall be cumulative and shall be in addition to any other penalties and remedies available at law, or in equity, to any person.

Sec. 13. Section 2, chapter 110, Laws of 1974 ex. sess. as amended by section 40, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.175 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.

(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the proposed potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

(4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW. ~~((Except for actions of the council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of any energy facility subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this subsection shall be construed as exempting any action of the council from any provision of chapter 43.21C RCW.))~~

(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

(6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as provided in RCW 80.50.070, or change the time for disposition of an application for certification as provided in RCW 80.50.100.

(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.

NEW SECTION. Sec. 14. There is added to chapter 80.50 RCW a new section to read as follows:

Except for actions of the council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of any energy facility subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C-.030. Nothing in this section shall be construed as exempting any action of the council from any provision of chapter 43.21C RCW.

NEW SECTION. Sec. 15. There is added to chapter 80.50 RCW a new section to read as follows:

The state general fund shall be credited with all receipts from applicants paid to the state pursuant to chapter 80.50 RCW. Such funds shall be used only by the council for the purposes set forth in chapter 80.50 RCW. All expenditures shall be authorized by law.

NEW SECTION. Sec. 16. There is added to chapter 80.50 RCW a new section to read as follows:

(1) The council shall receive all applications for energy facility site certification. The following fees or charges for application processing or certification monitoring shall be paid by the applicant or certificate holder:

(a) A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of the independent consultant study authorized in this subsection, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council. The council shall commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: **PROVIDED**, That said costs exceeding a total of the twenty-five thousand dollars paid pursuant to subsection (1)(a) of this section shall be payable subject to the applicant giving prior approval to such excess amount.

(b) Each applicant shall, in addition to the costs of the independent consultant provided by subsection (1)(a) of this section, pay such reasonable costs as are actually and necessarily incurred by the council in processing the application. Such costs shall include, but are not limited to, costs of a hearing examiner, a court reporter, additional staff salaries, wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses, as arise directly from processing such application.

Each applicant shall, at the time of application submission, deposit twenty thousand dollars, or such lesser amount as may be specified by council rule, to cover costs provided for by subsection (1)(b) of this section. Reasonable and necessary costs of the council directly attributable to application processing shall be charged against such deposit.

The council shall submit to each applicant a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The applicant shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: **PROVIDED**, That such applicant may, at the request of the council, increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant, or at the applicant's option, credited against required deposits of certificate holders.

(c) Each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction and operation of the facility.

Each certificate holder, within thirty days of execution of the site certification agreement, shall deposit twenty thousand dollars, or such other amount as may be specified by council rule, to cover costs provided for by subsection (1)(c) of this section. Reasonable and necessary costs of the council directly attributable to inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction and operation of the facility shall be charged against such deposit.

The council shall submit to each certificate holder a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The certificate holder shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That if the actual, reasonable, and necessary expenditures for inspection and determination of compliance in the preceding calendar quarter have exceeded the amount of funds on deposit, such excess costs shall be paid by the certificate holder.

(2) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the statement from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(3) All payments required of the applicant or certificate holder under this section are to be made to the state treasurer who shall make payments as instructed by the council from the funds submitted. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant or certificate holder.

NEW SECTION. Sec. 17. There is added to chapter 80.50 RCW a new section to read as follows:

(1) Any person required to file an application for certification of an energy facility pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that:

(a) The environmental impact of the proposed energy facility;

(b) The area potentially affected;

(c) The cost and magnitude of the proposed energy facility; and

(d) The degree to which the proposed energy facility represents a change in use of the proposed site

are not significant enough to warrant a full review of the application for certification under the provisions of this chapter.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study, notwithstanding the provisions of section 14 of this 1977 amendatory act; nor

(b) Hold a contested case hearing under chapter 34.04 RCW on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

NEW SECTION. Sec. 18. There is appropriated to the energy facility site evaluation council from the general fund the sum of one hundred sixteen thousand three hundred seventeen dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1979, to carry out the provisions of sections 3(2) and 15 of this 1977 amendatory act.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 45, Laws of 1970 ex. sess., section 33, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.050;

(2) Section 7, chapter 45, Laws of 1970 ex. sess., section 35, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.070; and

(3) Section 1, chapter 110, Laws of 1974 ex. sess., section 39, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.170.

NEW SECTION. Sec. 20. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government, and its existing public institutions, and shall take effect immediately."

In the title, page 2, line 3, after "80.50.170;" and before "and" insert "amending section 2, chapter 110, Laws of 1974 ex. sess. as amended by section 40, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.175; making an appropriation;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Bottiger moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2910 with the exception of proviso beginning on page 15, line 40 through page 16, line 2 and ask the House to recede therefrom.

POINT OF INQUIRY

Senator Washington: "Would Senator Bottiger yield? Could you state briefly what amendments the House did put on the bill?"

Senator Bottiger: "Senator Washington, the House has removed all of the question of local preemption. There is no preemption in this bill that was the only real issue when the bill passed. In fact, they even went further than Senator Wilson wanted to go and took out preemption for transmission lines. Now the theory in the House was that since there has not been any problem up until this time, with the one exception of Clallam County, that we should not preempt at the state level until there is a problem that has been demonstrated. I think the House committee members who took this position will learn as we see the conflict develop over these kinds of things and they have assured me that if that be the case they will come back and go for some kind of state preemption. At this time then, the bill is for all practical purposes as we passed it, with a few clean-up amendments. Section 15, that was the short cut, if you will recall, for small projects. They changed that from exemption from the statute to a form of short form certification. They discovered that if we totally preempted, the applicant might be back getting all of the different permits again, and I think they were right and they changed that. Other than that, there was no change of intent in the way the bill passed other than I have mentioned."

The motion by Senator Bottiger carried. The Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2910 with the exception of the proviso beginning on page 15, line 40 through page 16, line 2 and asks the House to recede therefrom.

MOTION

At 2:25 p.m., on motion of Senator Walgren, the Senate recessed until 5:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 5:00 p.m.

MOTION

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

MESSAGE FROM THE GOVERNOR

June 17, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 17, 1977, Governor Ray approved the following Senate bills entitled:

SUBSTITUTE SENATE BILL NO. 2445: Regulating automotive repair.

SENATE BILL NO. 2451: Allowing for a longer appeal period from actions of county boards of equalization.

SENATE BILL NO. 2460: Authorizing hostels.

SENATE BILL NO. 2493: Making miscellaneous changes in community college law.

SUBSTITUTE SENATE BILL NO. 2810: Implementing law relating to existing educational service districts and the election of board members thereof.

SUBSTITUTE SENATE BILL NO. 2502: Establishing procedures for the measurement of locally assessed property values for purposes of equalizing property values.

SENATE BILL NO. 2662: Revising the membership of the veterans' affairs advisory committee.

SENATE BILL NO. 2667: Providing for the continued operation of the Yakima Migrant labor housing project.

SENATE BILL NO. 3068: Allowing school districts to start terms in August with apportionment credit therefor in succeeding school year beginning in September.

Sincerely,

JOE ZASPEL

Legislative Assistant.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1133, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 2435, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 15, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 2435, as amended by the House, providing for disposition of operating fees charged at institutions of higher education, have had the same under consideration, and we report that we cannot agree and request powers of Free Conference in order to recommend the following:

That the House amendments be adopted and the following additional amendments be adopted:

On page 1, after line 4, insert the following two new sections as follows:

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

Each board of community college trustees shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, comply with the provisions of section 2 of this 1977 amendatory act, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require: **PROVIDED**, That the respective community colleges shall pay the fees for any such bonds.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

In order that each community college treasurer appointed in accordance with section 1 of this act may make vendor payments, the state treasurer will honor warrants drawn by each community college providing for one initial advance on September 1, 1977, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to ten percent of each institution's average monthly allotment for such budgeted biennium expenditures as certified by the office of program planning and fiscal management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer will reimburse each institution for each expenditure incurred and reported monthly by each community college treasurer in accordance with chapter 43.83 RCW: **PROVIDED**, That the reimbursement to each institution for actual expenditures incurred in the final month of each biennium shall be less the initial advance."

Renumber remaining sections consecutively.

On page 1, line 2 of the title, after "education;" insert "adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW;"

Signed by: Senators Odegaard, Donohue and Scott; Representatives Thompson, Erickson and Chandler.

MOTION

On motion of Senator Marsh, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute Senate Bill No. 2435.

MOTION

At 5:07 p.m., on motion of Senator Marsh, the Senate recessed until 7:30 p.m.

EVENING SESSION

President Pro Tempore Henry called the Senate to order at 7:30 p.m.
President Cherberg assumed the Chair.

MOTION

At 7:50 p.m., on motion of Senator Walgren, the Senate was declared to be at case.

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

President Cherberg declared the Senate to be at case.

The President called the Senate to order at 8:55 p.m.

REPORT OF CONFERENCE COMMITTEE

June 17, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, as amended by the Senate, revising the teachers' retirement system, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following bill:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON.

"AN ACT Relating to the teachers' retirement system; amending section 1, chapter 80, Laws of 1947 as last amended by section 149, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.010; adding new sections to chapter 41.32 RCW; prescribing an effective date; and declaring an emergency.

NEW SECTION. Section 1. **LEGISLATIVE FINDING.** The legislature finds and determines that those members first employed on or before September 30, 1977, shall not suffer any diminishment or loss of benefits or rights, whether current or prospective, as the result of the enactment of this 1977 amendatory act.

NEW SECTION. Sec. 2. **APPLICATION TO CERTAIN PERSONS.** Sections 3 through 16 of this 1977 amendatory act shall apply only to those persons who are initially employed by an employer on or after October 1, 1977.

NEW SECTION. Sec. 3. **COMPUTATION OF THE RETIREMENT ALLOWANCE.** A member of the retirement system shall receive a retirement allowance equal to two percent of such member's average final compensation for each year of service.

NEW SECTION. Sec. 4. **RETIREMENT FOR SERVICE.** (1) **NORMAL RETIREMENT.** Any member with at least five years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. Sec. 5. **POST-RETIREMENT COST-OF-LIVING.** Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

(1) The original dollar amount of the retirement allowance;

(2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";

(3) The index for the calendar year prior to the date of determination, to be known as "index B"; and

(4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the original retirement allowance;

(b) Exceed three percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 6. EMPLOYER AND MEMBER CONTRIBUTIONS. The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: **PROVIDED**, That the employer contribution shall be contributed as provided in RCW 41.32.401.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: **PROVIDED**, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.66% of earnable compensation: **PROVIDED**, That employers shall initially contribute an additional 5.80% of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

NEW SECTION. Sec. 7. TEACHERS REQUIRED TO BE MEMBERS. All teachers who become employed by an employer on or after October 1, 1977, shall be members of the retirement system and shall be governed by the provisions of sections 2 through 16 of this 1977 amendatory act.

NEW SECTION. Sec. 8. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES. Upon retirement for service as prescribed in section 4 of this 1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before

the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

NEW SECTION. Sec. 9. EARNED DISABILITY ALLOWANCE. A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of sections 2 through 16 of this 1977 amendatory act. Such member shall receive a monthly disability allowance computed as provided for in section 3 of this 1977 amendatory act and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age thirty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

NEW SECTION. Sec. 10. APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES. Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 4, 9, or 12 of this 1977 amendatory act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 4 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 4 of this 1977 amendatory act, shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members under the provisions of section 9 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Disability allowances paid as death benefits under the provisions of section 12 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 11. SUSPENSION OF RETIREMENT ALLOWANCE UPON REEMPLOYMENT BY AN EMPLOYER. No retiree under the provisions of sections 2 through 16 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance if such retiree is performing service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

NEW SECTION. Sec. 12. DEATH BENEFITS. (1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 4(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 8 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 4(2) of this 1977 amendatory act; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

NEW SECTION. Sec. 13. SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE. A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 16 of this 1977 amendatory act.

A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: PROVIDED, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by section 6 of this 1977 amendatory act. The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence.

NEW SECTION. Sec. 14. VESTED MEMBERSHIP. A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 4 of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 15. REFUND OF CONTRIBUTIONS ON TERMINATION. A member who ceases to be an employee of an employer may request a refund of the members accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, an initial payment shall be made within thirty days of receipt of request for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all benefits under the provisions of sections 2 through 16 of this 1977 amendatory act.

NEW SECTION. Sec. 16. REENTRY. A member, who had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores all withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department. The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

NEW SECTION. Sec. 17. DUTIES OF PAYROLL OFFICER. The person responsible for making up the payroll shall transmit promptly to the department at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the department may require showing thereon all deductions for contributions for the teachers' retirement system made from the earnable compensation of a member of the teachers' retirement system together with warrants or checks covering the total of such deductions. The department shall place such moneys into the proper funds established in this chapter.

Sec. 18. Section 1, chapter 80, Laws of 1947 as last amended by section 149, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.010 are each amended to read as follows:

DEFINITIONS. As used in this chapter, unless a different meaning is plainly required by the context:

(1) (a) "Accumulated contributions" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of all regular annuity contributions with regular interest thereon less cost of operation.

(b) "Accumulated contributions" for persons who establish membership in the retirement system on or after October 1, 1977, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(11) (a) "Earnable compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money: PROVIDED, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(b) "Earnable compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature such member's earnable compensation shall be the greater of:

(i) the earnable compensation the member would have received had such member not served in the legislature; or

(ii) such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(25) "Regular interest" means ~~((the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees))~~ such rate as the department may determine.

(26) (a) "Retirement allowance" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for persons who establish membership in the retirement system on or after October 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) (a) "Service" means the time during which a member has been employed by an employer for compensation: **PROVIDED,** That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which earnable compensation is earned for ninety or more hours

per calendar month. Members shall receive twelve months of service for each contract year or school year of employment.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

If a member receives earnable compensation from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, educational service district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(31) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average earnable compensation of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(32) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(33) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(34) "Director" means the director of the department.

(35) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(36) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

(37) "Retirement board" means the board of trustees provided for in RCW 41.32.040.

NEW SECTION. Sec. 19. There is added to chapter 41.32 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to those persons who establish membership in the retirement system on or before June 30, 1977: RCW 41.32.250, 41.32.260, 41.32.270, 41.32.280, 41.32.290, 41.32.300, 41.32.310, 41.32.320, 41.32.330, 41.32.340, 41.32.350, 41.32.360, 41.32.365, 41.32.366, 41.32.380, 41.32.390, 41.32.430, 41.32.440, 41.32.470, 41.32.480, 41.32.491, 41.32.492, 41.32.493, 41.32.4931, 41.32.4932, 41.32.494, 41.32.4943, 41.32.4944, 41.32.4945, 41.32.497, 41.32.498, 41.32.4982, 41.32.4983, 41.32.499, 41.32.500, 41.32.510, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.540, 41.32.550, 41.32.560, 41.32.561, 41.32.565, 41.32.567, 41.32.570, and 41.32.583.

NEW SECTION. Sec. 20. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

NEW SECTION. Sec. 21. Sections 1 through 17 of this 1977 amendatory act shall be added to chapter 41.32 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

NEW SECTION. Sec. 22. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1977."

Signed by: Senators Marsh and Jones; Representatives Sommers, McKibbin and Newhouse.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 866.

REPORT OF CONFERENCE COMMITTEE

June 17, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred Engrossed Substitute House Bill No. 865, as amended by the Senate, revising the public employees' retirement system, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following bill:

"AN ACT Relating to the public employees' retirement system; amending section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010; amending section 4, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.40.165; amending section 35, chapter 274, Laws of 1947 and RCW 41.40.340; amending section 36, chapter 274, Laws of 1947 and RCW 41.40.350; amending section 38, chapter 274, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1963 and RCW 41.40.370; adding new sections to chapter 41.40 RCW; prescribing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. LEGISLATIVE FINDING. The legislature finds and determines that those members first employed on or before September 30, 1977, shall not suffer any diminishment or loss of benefits or rights, whether current or prospective, as the result of the enactment of this 1977 amendatory act.

NEW SECTION. Sec. 2. APPLICATION TO CERTAIN PERSONS. Sections 3 through 15 of this 1977 amendatory act shall apply only to those persons who are initially employed by an employer on or after October 1, 1977.

NEW SECTION. Sec. 3. COMPUTATION OF THE RETIREMENT ALLOWANCE. A member of the retirement system shall receive a retirement allowance equal to two percent of such member's average final compensation for each year of service.

NEW SECTION. Sec. 4. RETIREMENT FOR SERVICE. (1) NORMAL RETIREMENT. Any member with at least five years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty years of service and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. Sec. 5. POST-RETIREMENT COST-OF-LIVING. Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
- (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
- (3) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed three percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 6. EMPLOYER AND MEMBER CONTRIBUTIONS. The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: **PROVIDED**, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.51% of compensation earnable: **PROVIDED**, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

NEW SECTION. Sec. 7. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES. Upon retirement for service as prescribed in section 4 of this 1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

NEW SECTION. Sec. 8. EARNED DISABILITY ALLOWANCE. A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of sections 2 through 15 of this 1977 amendatory act. Such member shall receive a monthly disability allowance computed as provided for in section 3 of this 1977 amendatory act and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

NEW SECTION. Sec. 9. APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES. Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 4, 8, or 11 of this 1977 amendatory act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 4 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 4 of this 1977 amendatory act, shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members under the provisions of section 8 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits under the provisions of section 11 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 10. **SUSPENSION OF RETIREMENT ALLOWANCE UPON REEMPLOYMENT BY AN EMPLOYER.** No retiree under the provisions of sections 2 through 15 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance if such retiree is performing service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

NEW SECTION. Sec. 11. **DEATH BENEFITS.** (1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 4(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 7 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 4(2) of this 1977 amendatory act; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

NEW SECTION. Sec. 12. **SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE.** A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 15 of this 1977 amendatory act.

A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes

sooner: PROVIDED, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by section 6 of this 1977 amendatory act. The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence.

NEW SECTION. Sec. 13. VESTED MEMBERSHIP. A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 4 of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 14. REFUND OF CONTRIBUTIONS. A member who ceases to be an employee of an employer may request a refund of the member's accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, an initial payment shall be made within thirty days of receipt of request for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all rights to benefits under sections 2 through 15 of this 1977 amendatory act.

NEW SECTION. Sec. 15. REENTRY. A member, who had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores all withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department. The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

Sec. 16. Section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010 are each amended to read as follows:

TERMS DEFINED. As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW (~~to administer said retirement system~~).

(3) "State treasurer" means the treasurer of the state of Washington.

(4) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 36.70.060 and 35.63.070 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means every branch, department, agency, commission,

board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 36.70.060, 35.63.070, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) (a) "Compensation earnable" for persons who establish membership in the retirement system on or before September 30, 1977, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employer.

(b) "Compensation earnable" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature such member's compensation earnable shall be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That where an individual is employed by two employers he shall only receive a total of twelve months of service credit during any calendar year.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which compensation earnable is earned for ninety or more hours per calendar month.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges shall receive twelve months of service for each contract year or school year of employment.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

If a member receives compensation earnable from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the retirement board) on the employee's portion prior to

retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1974 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, 1974, of five percent of such member's salary during said period of probationary service.

(12) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(13) "Regular interest" means such rate as the ((retirement board)) department may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in his individual account together with the regular interest thereon.

(15) (a) "Average final compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(b) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average compensation earnable of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(27) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(28) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(29) "Director" means the director of the department.

(30) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(31) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

Sec. 17. Section 4, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.40.165 are each amended to read as follows:

No person appointed to membership on any committee, board, or commission on or after July 1, 1976, who is compensated for service on such committee, board, or commission for less than ten days or seventy hours in any month, whichever amount is less, shall receive service credit for such service for that month: PROVIDED, That on and after October 1, 1977, appointive and elective officials who receive monthly compensation earnable from an employer in an amount equal to or less than ninety times the state minimum hourly wage shall not receive any service credit for such employment.

Sec. 18. Section 35, chapter 274, Laws of 1947 and RCW 41.40.340 are each amended to read as follows:

The deductions from the compensation of members, provided for in RCW 41.40.330 or section 6 of this 1977 amendatory act, shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for in this chapter and shall receipt in full for his salary or compensation, and payment less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to benefits provided for under this chapter.

Sec. 19. Section 36, chapter 274, Laws of 1947 and RCW 41.40.350 are each amended to read as follows:

The ~~((officer))~~ person responsible for making up the payroll shall transmit promptly to the ~~((retirement board))~~ department at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the ~~((retirement board))~~ department may require showing thereon all deductions for the

retirement system made from the ~~((salary))~~ compensation earnable of each member, together with warrants or checks covering the total of such deductions. The ~~((retirement board))~~ department after making a record of all such receipts shall pay them to the state treasurer for use according to the provisions of this chapter.

Sec. 20. Section 38, chapter 274, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1963 and RCW 41.40.370 are each amended to read as follows:

(1) The ~~((retirement board))~~ department shall ascertain and report to each employer the amount it shall provide for pension benefits for the ensuing biennium or fiscal year whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 or section 6 of this 1977 amendatory act to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, or October 1, 1977, as the case may be, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the applicable rates established by RCW 41.40.361 or section 6 of this 1977 amendatory act to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The ~~((retirement board))~~ department shall bill each said employer at the end of each month for the amount due for that month and the same shall be paid as are its other obligations: PROVIDED, That the ~~((retirement board))~~ department may, at its discretion, establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the ~~((retirement board))~~ department shall bill such employer through the ~~((budget))~~ director of the office of program planning and fiscal management for such employer's contribution. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls. If any such employer shall fail or refuse to honor such a billing, the ~~((budget))~~ director of the office of program planning and fiscal management shall cause the same to be paid from any funds appropriated to the ~~((budget))~~ director of the office of program planning and fiscal management for such purposes.

NEW SECTION. Sec. 21. There is added to chapter 41.40 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to persons who establish membership in the retirement system on or before September 30, 1977: RCW 41.40.150, 41.40.160, 41.40.170, 41.40.180, 41.40.185, 41.40.190, 41.40.193, 41.40.195, 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.235, 41.40.250, 41.40.260, 41.40.280, 41.40.300, 41.40.310, 41.40.320, and 41.40.330.

NEW SECTION. Sec. 22. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

NEW SECTION. Sec. 23. Sections 1 through 15 of this 1977 amendatory act shall be added to chapter 41.40 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

NEW SECTION. Sec. 24. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1977."

Signed by: Senators Marsh and Jones; Representatives Sommers, McKibbin and Newhouse.

There being no objection, Senator Bausch was excused.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 865.

REPORT OF CONFERENCE COMMITTEE

June 17, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 867, as amended by the Senate, revising the law enforcement officers and fire fighters retirement system, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following bill:

"AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030; amending section 3, chapter 257, Laws of 1971 ex. sess. as last amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045; amending section 4, chapter 257, Laws of 1971 ex. sess. as last amended by section 12, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.046; amending section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.090; amending section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160; adding new sections to chapter 41.26 RCW; prescribing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. **LEGISLATIVE FINDING.** The legislature finds and determines that those members first employed on or before September 30, 1977, shall not suffer any diminishment or loss of benefits or rights, whether current or prospective, as the result of the enactment of this 1977 amendatory act.

NEW SECTION. Sec. 2. **APPLICATION TO CERTAIN PERSONS.** Sections 3 through 16 of this 1977 amendatory act shall apply only to those persons who are initially employed by an employer on or after October 1, 1977.

NEW SECTION. Sec. 3. **COMPUTATION OF THE RETIREMENT ALLOWANCE.** A member of the retirement system shall receive a retirement allowance equal to two percent of such member's average final compensation for each year of service.

NEW SECTION. Sec. 4. **RETIREMENT FOR SERVICE.** (1) **NORMAL RETIREMENT.** Any member with at least five years of service who has attained at least age fifty-eight shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act.

(2) **EARLY RETIREMENT.** Any member who has completed at least twenty years of service and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 3 of this 1977 amendatory act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age fifty-eight.

NEW SECTION. Sec. 5. POST-RETIREMENT COST-OF-LIVING. Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
- (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
- (3) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed three percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 6. EMPLOYER, MEMBER, AND STATE CONTRIBUTIONS. The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

Member	50%
Employer	30%
State	20%

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state: **PROVIDED**, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

The director shall notify the retirement board of any pending adjustment in the required contribution rate and such increase shall be announced at a board meeting held at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

Member	8.14%
Employer	4.88%
State	3.28%

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

NEW SECTION. Sec. 7. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES. Upon retirement for service as prescribed in section 4 of this 1977 amendatory act, a member shall elect to have the retirement allowance paid pursuant to Option 1, 2, or 3 with Options 2 and 3 calculated so as to be actuarially equivalent to Option 1.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

NEW SECTION. Sec. 8. EARNED DISABILITY ALLOWANCE. A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of sections 2 through 16 of this 1977 amendatory act. Such member shall receive a monthly disability allowance computed as provided for in section 3 of this 1977 amendatory act and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-eight.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

NEW SECTION. Sec. 9. INDUSTRIAL INSURANCE. Notwithstanding any other provision of law, members shall be eligible for industrial insurance as provided by Title 51 RCW, as now or hereafter amended, and shall be included in the payroll of the employer for such purpose.

NEW SECTION. Sec. 10. APPLICATION FOR AND EFFECTIVE DATE OF RETIREMENT ALLOWANCES. Any member or beneficiary eligible to receive a retirement allowance under the provisions of sections 4, 8, or 12 of this 1977 amendatory act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members under the provisions of section 4 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 4 of this 1977 amendatory act, shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members under the provisions of section 8 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits under the provisions of section 12 of this 1977 amendatory act shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 11. SUSPENSION OF RETIREMENT ALLOWANCE UPON REEMPLOYMENT BY AN EMPLOYER. No retiree under the provisions of sections 2 through 16 of this 1977 amendatory act shall be eligible to receive such retiree's monthly retirement allowance if such retiree is performing service for any nonfederal public employer in this state.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have benefits actuarially recomputed pursuant to the rules adopted by the department.

NEW SECTION. Sec. 12. DEATH BENEFITS. (1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in section 4(1) of this 1977 amendatory act actuarially adjusted to reflect Option 2 of section 7 of this 1977 amendatory act and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 4(2) of this 1977 amendatory act; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or

children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

NEW SECTION. Sec. 13. SERVICE CREDIT FOR AUTHORIZED LEAVE OF ABSENCE. (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of sections 2 through 16 of this 1977 amendatory act.

(2) A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: **PROVIDED**, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by section 6 of this 1977 amendatory act. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence.

NEW SECTION. Sec. 14. VESTED MEMBERSHIP. A member who separates or has separated after having completed at least five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 4 of this 1977 amendatory act if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 15. REFUND OF CONTRIBUTIONS ON TERMINATION. A member who ceases to be an employee of an employer may request a refund of the member's accumulated contributions. The refund shall be made within ninety days following the receipt of the request and notification of termination by the employer; except that in the case of death, an initial payment shall be made within thirty days of receipt for such payment. A member who files a request for refund and subsequently enters into employment with another employer prior to the refund being made shall not be eligible for a refund. The refund of accumulated contributions shall terminate all rights to benefits under sections 2 through 16 of this 1977 amendatory act.

NEW SECTION. Sec. 16. REENTRY. A member, who had left service and withdrawn the member's accumulated contributions, shall receive service credit for such prior service if the member restores all withdrawn accumulated contributions together with interest since the time of withdrawal as determined by the department.

The restoration of such funds must be completed within five years of the resumption of service or prior to retirement, whichever occurs first.

Sec. 17. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26-.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, ((stepchild)) and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means ((~~the~~)) (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of

retirement; ~~((b))~~ (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; ~~((c))~~ (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; ~~((d))~~ (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature such member's compensation earnable shall be the greater of:

(i) the compensation earnable the member would have received had such member not served in the legislature; or

(ii) such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include ~~((a))~~ (i) such military service not exceeding five years s was creditable to the member as of March 1, 1970, under his particular prior pension act, and ~~((b))~~ (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at

the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: **PROVIDED**, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: **PROVIDED FURTHER**, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: **AND PROVIDED FURTHER**, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position as defined in RCW 41.40.010(30) may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar year such member shall receive a total of not more than twelve months of service for such calendar year.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to

the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the department may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" means the person appointed pursuant to RCW 44.44.010(2).

NEW SECTION. Sec. 18. There is added to chapter 41.26 RCW a new section to read as follows:

The provisions of the following sections of this chapter shall apply only to persons who establish membership in the retirement system on or before September 30, 1977: RCW 41.26.080, 41.26.090, 41.26.100, 41.26.110, 41.26.120, 41.26.130, 41.26.140, 41.26.150, 41.26.160, 41.26.190, 41.26.200, 41.26.240, 41.26.250, 41.26.260, and 41.26.270.

NEW SECTION. Sec. 19. There is added to chapter 41.26 RCW a new section to read as follows:

Notwithstanding any other provision of law to the contrary, the employer shall provide such information as required by the state actuary regarding the award of the disability leave allowance. Such information shall include, but shall not be limited to:

- (1) The number of persons receiving disability leaves;
- (2) The certified reason for disability; when the disability was initially incurred; and, if it was duty related;
- (3) The disability leave allowance paid and for how long;
- (4) The number of replacement personnel required to cover the loss of personnel on disability leave allowance and the resulting cost incurred; and,
- (5) The age of the employee and the length of service at the time of the disability leave.

The employer shall also provide such information as required by the state actuary regarding disability and medical benefit costs including, but not limited to, those required under provisions of this chapter.

The information required by this section shall be from March 1, 1970, forward.

Sec. 20. Section 3, chapter 257, Laws of 1971 ex. sess. as last amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045 are each amended to read as follows:

Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter, until he has met and has been certified as having met minimum medical and health standards: PROVIDED, That an elected sheriff or an appointed chief of police or fire chief, shall not be required to meet the age standard: PROVIDED FURTHER, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: AND PROVIDED FURTHER, That for one year after February 19, 1974 any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he has previously withdrawn from any such system or systems.

Sec. 21. Section 4, chapter 257, Laws of 1971 ex. sess. as last amended by section 12, chapter 120, Laws of 1974 ex. sess and RCW 41.26.046 are each amended to read as follows:

By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer or fire fighter receives membership coverage unless and until he has actually met minimum medical and health standards: **PROVIDED**, That an elected sheriff or an appointed chief of police or fire chief shall not be required to meet the age standard. The retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer.

Sec. 22. Section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.090 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office. Any member selecting this optional vesting with less than twenty years of service shall not be covered by the provisions of RCW 41.26.150, and his survivors shall not be entitled to the benefits of RCW 41.26.160 unless his death occurs after he has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: **PROVIDED**, That a member selecting this option, with less than twenty years of service credit, who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest: **PROVIDED FURTHER**, That if the vested member has twenty or more years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of his age at the time of his death, to the exclusion of the lump sum amount provided by this subsection.

(3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: **PROVIDED**, That for any member who is elected or appointed to the office of sheriff, chief of police, or fire chief, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding periods for which he may be so elected or appointed: **PROVIDED FURTHER**, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.

Sec. 23. Section 17, chapter 209, Laws of 1969 ex. sess as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: **PROVIDED**, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: **PROVIDED**, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: **PROVIDED**, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies (~~or remarries~~) and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

NEW SECTION. Sec. 24. Section headings used in this 1977 amendatory act shall not constitute any part of the law.

NEW SECTION. Sec. 25. Sections 1 through 16 of this 1977 amendatory act shall be added to chapter 41.26 RCW and shall be codified as consecutive sections of the Revised Code of Washington within such chapter.

NEW SECTION. Sec. 26. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1977.

Signed by: Senators Marsh and Jones; Representatives Sommers, McKibbin and Newhouse.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 867.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Third Substitute House Bill No. 1188.

SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 1188, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Moreau, Kilbury, Greengo, Smith, Wilson, Schmitt, Taller, Chandler, Boldt, Owen, Burns, Becker and Berentson) (by Governor Ray request):

Allowing department of fisheries to deposit revenue into funds other than the general fund when so provided by law.

The Senate resumed consideration of Third Substitute House Bill No. 1188. On June 15, 1977, on motion of Senator Peterson, the rules were suspended and Third Substitute House Bill No. 1188 was advanced to second reading and read the second time in full.

Senator Rasmussen moved adoption of the following amendment:

On page 7, line 4, strike "three" and insert "five"

Debate ensued.

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

Senator Rasmussen moved adoption of the following amendment:

On page 7, line 9, strike "two" and insert "one"

Debate ensued.

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

Senator Rasmussen moved adoption of the following amendment:

On page 7, line 28, after the period, insert "The holder of such salmon license shall be permitted to catch steelhead and cutthroat trout in salt water."

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted. Senator Talley moved adoption of the following amendment by Senators Talley and Rasmussen:

On page 7, line 23, after "under" and before "years," strike "seventy" and insert "sixty-five"

Debate ensued.

The motion by Senator Talley failed and the amendment was not adopted on a rising vote.

MOTIONS

On motion of Senator Odegaard, Senators Grant, Herr and Woody were excused.

On motion of Senator Peterson, the rules were suspended, Engrossed Third Substitute House Bill No. 1188 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talley: "Would Senator Peterson yield to a question? Would this be the first bill that we can credit to Senator Sandison?"

Senator Peterson: "Addressed to Senator Sandison?"

Senator Talley: "Credited to. I think the 15th he took over."

Senator Peterson: "I do not think he has his name on the bill, but he felt that he could live with it comfortably, at least until January."

Senator Talley: "I do not know about the comfortably."

POINT OF INQUIRY

Senator Bottiger: "Will Senator Peterson yield to another question? Senator Peterson, presuming that he is confirmed, will Senator Sandison's name be on the license?"

Senator Peterson: "If it is, I am going to put a little rider that says in small print we won't let him . . ."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1188, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Voting nay: Senator Rasmussen—1.

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

Excused: Senators Bausch, Buffington, Fleming, Grant, Hayner, Herr, Woody—7.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 865, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 17, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 865, as amended by the Senate, revising the public employees' retirement system, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Marsh and Jones; Representatives Sommers, McKibbin and Newhouse.

MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 865 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 865, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 8; absent or not voting, 1; excused, 7.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rohrbach, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—33.

Voting nay: Senators Beck, Pullen, Rasmussen, Ridder, Talley, von Reichbauer, Wojahn—8.

Absent or not voting: Senator Francis—1.

Excused: Senators Bausch, Buffington, Fleming, Grant, Hayner, Herr, Woody—7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 865, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jones, Engrossed Substitute House Bill No. 865, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 17, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, as amended by the Senate, revising the teachers retirement system, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Marsh and Jones; Representatives Sommers, McKibbin and Newhouse.

MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 866 was adopted.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Jones yield to a question? Senator Jones, this provides sixty-five year retirement. For that person that would arrive at the age of sixty and has thirty years of service and would desire to take his pension, how much of a reduction in pension would that be, actuarial reduction?"

Senator Jones: "Five years actuarially reduced."

Senator Rasmussen: "That would amount to how much?"

Senator Jones: "I cannot tell you exactly how much. I am sorry, I cannot answer that."

Senator Rasmussen: "Wasn't the figure of one-third, a person would lose one-third of his pension?"

Senator Jones: "That is right, yes. Well, not lose one-third of his pension. He is entitled to that money. It is not a loss of one-third. It is an actuarial reduction."

Senator Rasmussen: "The effect would be that he would lose one-third."

Senator Jones: "That is their personal choice, I gather, if they retire at age sixty. Isn't that correct, Senator?"

Senator Rasmussen: "Two percent times thirty years of service, he would have sixty percent retirement available at that time, but then because of retiring before he was sixty-five he would lose that sixty percent. He would only have forty percent then available to him. Is that right?"

Senator Jones: "There is no loss. He has made his choice. There is no loss."

Senator Rasmussen: "Senator Jones, I had another question on page 7—I wasn't satisfied with your first answer but, I will accept it as the best of your ability. I mean if that is all you want to reveal at the present time. On page 7, a member who separates or has separated after having completed five years of service may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provision of Section 4 if he as a member has left his accumulated contributions in. Now this member that would leave, he is vested after five years and he is leaving his vested amount in—over in Section . . . a person that is in service and dies before getting

ten years in, it provides that there shall be a refund of contributions only to that person's spouse. How do the two sections tie together? One person can vest after five years and leave his money stand in there and be entitled to a pension at age sixty-five, but the other person that dies with more than five years but less than ten years of service is forced to take a refund of contributions. I do not understand the two sections. They seem to be in opposition to each other. In one case you vest and, having vested, it stays there until retirement. In the other case you are forced to take the refund. Do you understand what I am talking about? What is the answer to it?"

Senator Jones: "It is a little hard. Your questions get rather long and involved, Senator Rasmussen. I remember hearing this one answered and they both really do not relate to each other. In one case I guess the person who withdrew, it was voluntary. Death, I guess, is not a voluntary matter."

Senator Rasmussen: "I assume death would be voluntary, yes. You have got to go when your time comes, but in that case there is a portion, a refund, but this person that vests and leaves the service may die, may have signed up option two which becomes available at retirement age."

Senator Jones: "That was his choice, is that correct? And that is the benefit that accrues."

Senator Rasmussen: "In the one case he does not have any choice. He leaves this vale of tears and he goes on his way to a happier hunting ground. I am talking about what choice his widow has in that she has no choice, except a refund, apparently. But the first person that has gone on to another job and left his vested proceeds, his five years vesting or seven or eight years, whatever it may be, he is holding his vested rights and I cannot understand those two sections. I was hoping that you could explain them better to me how there is (sic) always a choice that you go on your way."

Senator Jones: "The two sections do stand alone and I think you really must look at them individually, Senator Rasmussen."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 866, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 8; absent or not voting, 1; excused, 7.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gaspard, Goltz, Gould, Guess, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odogaard, Peterson, Pullen, Rohrbach, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—33.

Voting nay: Senators Beck, Francis, Keefe, Rasmussen, Ridder, Talley, von Reichbauer, Wojahn—8.

Absent or not voting: Senator Murray—1.

Excused: Senators Bausch, Buffington, Fleming, Grant, Hayner, Herr, Woody—7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jones, Engrossed Substitute House Bill No. 866, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 867, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 17, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 867, as amended by the Senate, revising the law enforcement officers and fire fighters retirement system, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Marsh and Jones; Representatives Sommers, McKibbin and Newhouse.

MOTION

Senator Walgren moved the report of the Free Conference Committee on Engrossed Substitute House Bill No. 867 be adopted.

MOTION

Senator Talley moved the Free Conference report on Engrossed Substitute House Bill No. 867 be made a special order of business for June 18, 1977.

Debate ensued.

The motion by Senator Talley failed.

The motion by Senator Walgren carried. The report of the Free Conference Committee on Engrossed Substitute House Bill No. 867 was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Will Senator Walgren yield to a question? Senator Walgren, as I understand, the fireman or policeman injured on the job would be entitled to workmen's compensation benefits and we had a bill to increase those benefits and I understand that is still in rules so the fireman or policeman injured in the line of duty under this bill would labor under the old workmen's compensation benefits that are presently in existence."

Senator Walgren: "That is correct, Senator Bottiger. . . . that bill should come out."

Senator Bottiger: "Any chance of getting that bill out of Rules Committee?"

Senator Walgren: "Well, I certainly hope so, Senator Bottiger, and hopefully we will be able to have another Rules Committee meeting so that we will have that opportunity of voting on that measure."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Actually, just to set the record straight, 46 was passed and that is the measure which would cover any injured LEOFF members. 541 is not the measure that they should be talking about at all."

POINT OF INQUIRY

Senator Goltz: "Would Senator Jones yield? Senator Jones, when the previous version of House Bill 867 was before us, there was some discussion about the responsibility of the local units of government with respect to the payment of workmen's compensation costs. As I look at the structure of payments under this bill, there is a considerable differential between what the employee and the employer pays; eight point one four versus four point eight eight. Does that differential indicate that the cities will be relieved, as it were, by that differential of the cost of workmen's compensation?"

Senator Jones: "No, the split is a three-way split and that split is fifty percent to the employee, which keeps it on a par with all the rest of the three systems, the uniformity we desire. There is thirty percent to local government and twenty percent of that is to the state. Does that answer your question?"

Senator Goltz: "I believe I should have stated the question perhaps more directly by asking what obligation does the city have under this bill which is different from the previous bill with respect to payment for workmen's compensation?"

Senator Jones: "The same as any other employer, Senator Goltz."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 867, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 29; nays, 12; absent or not voting, 1; excused, 7.

Voting yea: Senators Benitz, Bluechel, Clarke, Donohue, Goltz, Gould, Guess, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rohrbach, Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—29.

Voting nay: Senators Beck, Bottiger, Day, Francis, Gaspard, Keefe, Pullen, Rasmussen, Ridder, Talley, von Reichbauer, Wojahn—12.

Absent or not voting: Senator Murray—1.

Excused: Senators Bausch, Buffington, Fleming, Grant, Hayner, Herr, Woody—7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 867, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jones, Engrossed Substitute House Bill No. 867, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1348, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 15, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1348, as amended by the Senate, providing for increased coverage for uninsured motorists at the purchaser's option, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Bottiger, Clarke and Francis; Representatives Douthwaite, Knedlik and Taller.

MOTION

Senator Bottiger moved the report of the Free Conference Committee on Substitute House Bill No. 1348 be adopted.

POINT OF INQUIRY

Senator Francis: "Would Senator Bottiger yield to a question? Senator Bottiger, as you understand the bill, it provides that the question of stacking is at the option of the purchaser of the policy. Would it be your understanding then that the sellers of the policies would be expected to let the buyers know that they have that option?"

Senator Bottiger: "It is my understanding from the conference committee that that was the intent. We deleted a specific section in the conference committee report that was redundant, but only because it was redundant, and it was my understanding that the insurer would advise their policyholders at the time of purchase of the insurance that this was available."

Senator Francis: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Bottiger yield? Senator Bottiger, would you give an example of how this new provision would affect the insured?"

Senator Bottiger: "Senator Van Hollebeke, suppose you had purchased on your own insurance policy a hundred thousand dollars worth of protection under your uninsured motorist coverage. You were hit by a car and they only had fifteen thousand dollars worth of insurance. You had injuries of many times that amount. You could then collect not only from them but from your own insurance company for your injuries under your uninsured motorist protection."

Senator Van Hollebeke: "That is the only situation it covers is where the other party was liable, is underinsured, so you have a type of uninsured motorist coverage except that it is not uninsured but underinsured."

Senator Bottiger: "You would also have the possibility of an uninsured motorist and you having more than one policy, and that is sometimes the case. People may have several insurance policies. You could 'stack' your own uninsured motorist protection."

Senator Van Hollebeke: "Thank you."

The motion by Senator Bottiger carried. The report of the Free Conference Committee on Substitute House Bill No. 1348 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1348, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—41.

Absent or not voting: Senator Murray—1.

Excused: Senators Bausch, Buffington, Fleming, Grant, Hayner, Herr, Woody—7.

SUBSTITUTE HOUSE BILL NO. 1348, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 2435, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 15, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 2435, as amended by the House, providing for disposition of operating fees charged at institutions of higher education, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Odegaard, Donohue and Scott; Representatives Thompson, Erickson and Chandler.

MOTION

On motion of Senator Donohue, the report of the Free Conference Committee on Substitute Senate Bill No. 2435 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2435, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 1; excused, 7.

Voting yea: Senators Beck, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senator Benitz—1.

Absent or not voting: Senator Murray—1.

Excused: Senators Bausch, Buffington, Fleming, Grant, Hayner, Herr, Woody—7.

SUBSTITUTE SENATE BILL NO. 2435, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Conference Committee on Engrossed Senate Bill No. 2480, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 17, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred Engrossed Senate Bill No. 2480 as amended by the House, revising the law on unemployment compensation, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to recommend the following:

That the House Committee Amendments as amended by the House be adopted, and the following additional amendments be adopted:

On page 29, beginning on line 4 of the House amendment, strike all of sections 22 and 23, and insert the following:

NEW SECTION, Sec. 22. The commissioner is authorized, with the approval of the governor, to collect from the three-tenths of one percent increase in employer contributions provided in section 10 of chapter 33, Laws of 1977 1st ex. sess., for calendar years 1978 and 1979, nine and one-tenth percent of the additional revenue generated by the three-tenths of one percent increase, or so much thereof as may be deemed appropriate by the commissioner, to be deposited in the administrative contingency fund, one-half of such deposit to be extended for the purpose of operating a quality control program similar to the pilot quality control program similar to the pilot quality program project which ended in 1976, in local employment security offices, and one-half for increased audits and investigations of employers subject to Title 50 RCW. In determining the amount of the deposit, if any, authorized by this section, the commissioner and the governor shall consider the impact any such deposit would have on employer contributions required by the federal government for the repayment of a loan from the federal unemployment trust fund.

NEW SECTION, Sec. 23. (1) The provisions of this act mandating coverage of employees of political subdivisions have been enacted to comply with the provisions of Public Law 94-566. Therefore, as provided in subsection (2), this mandatory feature shall be contingent on the existence of valid and constitutional federal law requiring the Secretary of Labor to refuse to certify as approved the employment security laws of this state if such laws did not continue such mandatory coverage.

(2) In the event the mandatory coverage feature for political subdivisions ceases to be necessary for compliance with valid and constitutional federal law, then the mandatory feature of this 1977 act shall cease to be effective as of the end of the

next quarter following the quarter in which the mandatory feature contained in this 1977 act is not necessary for such compliance.

(3) In the event mandatory coverage ceases to be effective pursuant to subsection (2), then the sections, or subsections as the case may be, of this 1977 amendatory act shall to the extent that they apply to coverage of employees of political subdivisions be deemed nullified and the language of the sections being amended shall be deemed reinstated as the laws of this state.

(4) Benefits paid based on the services covered during the effective life of the mandatory coverage feature shall be financed as follows:

(4) Benefits paid based on the services covered during the effective life of the mandatory coverage feature shall be financed as follows:

(a) If the political subdivision was financing payment of benefits on a reimbursable basis, benefits attributable to employment with the political subdivision shall be assessed to and paid by the political subdivision;

(b) If the political subdivision is a county, city, or town which elected financing pursuant to section 15 of this 1977 amendatory act, such political subdivision will pay "the local government tax" for all earnings by employees through the end of the calendar quarter in which the mandatory coverage is no longer effective pursuant to subsection (2);

(c) If the political subdivision was financing benefits by the contribution method it will pay contributions on wages earned by its employees through the end of the calendar quarter in which mandatory coverage is no longer effective pursuant to subsection (2)."

On page 31 of the House amendment, after line 34, insert a new section as follows:

"NEW SECTION. Sec. 25. The provisions of section 11 of this 1977 amendatory act shall apply to the week ending May 21, 1977, and all weeks thereafter,"

Re-number the remaining sections consecutively.

Signed by: Senators Ridder, Morrison, Mardesich; Representatives Lux and Charette.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Senate Bill No. 2480.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House insists on its position on the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2910, and asks the Senate to concur thereon, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Bottiger moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2910.

POINT OF INQUIRY

Senator Guess: "Would Senator Bottiger yield to a question? Senator Bottiger, would you elaborate upon your statement that this will require twenty-five to thirty percent less time for certification? I would like to see how that works."

Senator Bottiger: "Senator Guess, one of the problems with the present system is, they go, get all the way to the end and then check and see if you did everything right. The way the committee has stacked this now, it is go, get a decision. Anybody wants to challenge that has, as the House has amended it, sixty days. If they do not challenge it, you go to point two and all that can be challenged on now is between point one and point two, so you end up at the end with a certificate that probably will stand up in court. We have eliminated a lot of the unnecessary hearings that were required before the Siting Council, and in that respect I think the bill speeds up the time to go through the process and gives you a better record at the end."

Senator Guess: "Thank you very much, Senator."

POINT OF INQUIRY

Senator Wilson: "'Will Senator Bottiger yield? Senator Bottiger, does the bill contain a state preemption in any form or not?'"

Senator Bottiger: "Senator Wilson, absolutely not. They not only took your amendment; they went one step further; they took out preemption for utility corridors or transmission corridors, which I do not like at all but it happened and rather than again lose the whole bill, I agreed that I would recommend to the Senate that we concur on that. Again, we will have to watch it during the interim. If a county tries to block a whole project, I am sure you will be back hearing me tell you that we have got to do something about preemption."

The motion by Senator Bottiger carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2910.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2910, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; excused, 7.

Voting yea: Senators Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Gould, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Voting nay: Senators Beck, Benitz—2.

Excused: Senators Bausch, Buffington, Fleming, Grant, Hayner, Herr, Woody—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2910, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

June 17, 1977.

Mr. President: The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 318, and the Senate amendments thereto, and the speaker has appointed as members of the Conference Committee thereon: Representatives Hansen, Bender and Lee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 865, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 236, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

Mr. President: The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 251, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 867, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 2543, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2042,
SENATE BILL NO. 2516.

MOTION

At 10:40 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Saturday, June 18, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, June 18, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bausch, Buffington, Donohue, Fleming, Francis, Goltz, Hayner, Jones, Mardesich, McDermott, Murray, Odegaard, Peterson, Pullen, Ridder, Rohrbach, Scott and Woody. On motion of Senator Sandison, Senators Bausch, Donohue, Fleming, Francis, Goltz, Herr, Mardesich, McDermott, Odegaard, Peterson, Rasmussen and Woody were excused. On motion of Senator Jones, Senators Buffington, Hayner, Murray, Pullen, Rohrbach and Scott were excused.

The Color Guard, consisting of Pages Lance Harpel and Stephanie Thacker, presented the Colors. Reverend Sidney J. Workman, pastor of the Evergreen Christian Reformed Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, WE COME TO YOU AS OUR CREATOR AND OUR SOVEREIGN GOD AGAIN THIS DAY WE THANK YOU FOR YOUR GUIDANCE AND CARE DURING THIS PAST WEEK. WE THANK YOU FOR THE WORK THIS BODY WAS ABLE TO DO. NOW, WE ALL LOOK FORWARD TO A TIME OF REST AND WORSHIP AT THE CONCLUSION OF THIS DAY'S MEETINGS. GRANT, O GOD, SAFETY OF TRAVEL FOR THOSE OF THIS BODY WHO WILL GO TO THEIR HOMES. GRANT THEM REFRESHMENT OF BODY AND SPIRIT. PREPARE THEM FOR THE WORK YET TO BE DONE. HELP ALL TO LIVE TO YOUR NAME IN HONOR AND GLORY. IN JESUS' NAME. AMEN."

MOTION

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

REPORT OF CONFERENCE COMMITTEE

June 17, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, as amended by the Senate, charging tuition and fees at state institutions of higher education based on portion of educational costs incurred, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following bill:

AN ACT Relating to tuition and fees of the state institutions of higher education; amending section 59, chapter 169, Laws of 1977 1st ex. sess. (presently uncodified); amending section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 36, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.100; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 37, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.380; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500; amending

section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620; amending section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 78, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.40.361; setting forth new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing section 28B.15.200, chapter 223, Laws of 1969 ex. sess., section 4, chapter 102, Laws of 1970 ex. sess., section 6, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.200; repealing section 28B.15.300, chapter 223, Laws of 1969 ex. sess., section 5, chapter 102, Laws of 1970 ex. sess., section 7, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.300; repealing section 28B.15.400, chapter 223, Laws of 1969 ex. sess., section 6, chapter 102, Laws of 1970 ex. sess., section 9, chapter 279, Laws of 1971 ex. sess., section 38, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.400; repealing section 23, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.630; providing for the expiration of a section hereof; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. It is the intent of the legislature that amounts charged for general tuition and operating fees shall reflect the proportional operating cost of instruction at the state universities. It is the further intent of the legislature that such fees charged to undergraduate resident students at the state universities be not more than twenty-five percent of the cost of undergraduate university instruction, that such fees charged to undergraduate resident students at the regional universities and The Evergreen State College be not more than eighty percent of the total of general tuition and operating fees charged to state university undergraduate resident students and that such fees charged to undergraduate resident students at community colleges be not more than forty-five percent of the total of general tuition and operating fees charged to state university undergraduate resident students.

Sec. 2. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 36, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.100 are each amended to read as follows:

The board of regents (~~and~~) or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such general tuition fees, operating fees, services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the general tuition fee, operating fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such general tuition fees and operating fees for ((quarters)) other than summer session quarters or semesters shall be in ((at least)) the amounts for the respective institutions as otherwise set forth in ((RCW 28B.15.200, 28B.15.300, 28B.15.400 and 28B.15.500)) this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be ((consistent with RCW 28B.15.500)) in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

NEW SECTION. Sec. 3. General tuition fees, operating fees, and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the 1977-78 academic year the total of general tuition and operating fees shall be five hundred and forty-three dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be five

hundred and seventy dollars: **PROVIDED**, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and seventeen dollars.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the 1977-78 academic year the total of general tuition and operating fees shall be six hundred and twenty-four dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be six hundred and fifty-four dollars: **PROVIDED**, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and seventeen dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for the 1977-78 academic year the total of general tuition and operating fees shall be eight hundred and fifty-eight dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be nine hundred and twelve dollars: **PROVIDED**, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and thirty-three dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be two thousand two hundred and seventy-seven dollars: **PROVIDED**, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and forty-five dollars.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be two thousand six hundred and nineteen dollars: **PROVIDED**, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and forty-five dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be three thousand six hundred and forty-two dollars: **PROVIDED**, That the general tuition fee for such academic years and each academic year thereafter shall be five hundred and forty-three dollars.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each academic year shall not exceed one hundred and seventeen dollars.

NEW SECTION. Sec. 4. General tuition fees, operating fees, and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, for the 1977-78 academic year the total of general tuition and operating fees shall be four hundred and twenty-nine dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be four hundred and fifty-six dollars: **PROVIDED**, That the general tuition fee for such academic years and each academic year thereafter shall be seventy-five dollars.

(2) For full time resident graduate students, for the 1977-78 academic year the total of general tuition and operating fees shall be four hundred and eighty-nine

dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be five hundred and twenty-two dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be seventy-five dollars.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be one thousand eight hundred and twenty-one dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be two hundred and eighty-eight dollars.

(4) For full time nonresident graduate students, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be two thousand and ninety-four dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be two hundred and eighty-eight dollars.

(5) The boards of trustees of each of the state colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each academic year shall not exceed one hundred and sixty-two dollars.

Sec. 5. Section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500 are each amended to read as follows:

General tuition fees, operating fees and services and activities fees (~~charged students registered~~) at each community college other than at summer quarters shall be as follows:

(1) (~~Full time resident students:~~
~~(a) General tuition fee, forty-one dollars and fifty cents per quarter;~~
~~(b) Operating fees, twenty-seven dollars per quarter; and~~
~~(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.~~

(2) ~~Full time nonresident students:~~
~~(a) General tuition fee, one hundred thirty-one dollars and fifty cents per quarter;~~

~~(b) Operating fees, eighty-one dollars per quarter; and~~
~~(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.)~~

For full time resident students, for the 1977-78 academic year the total of general tuition and operating fees shall be two hundred and forty dollars, and for the 1978-79 academic year, and thereafter, the total of general tuition and operating fees shall be two hundred and fifty-five dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be one hundred and twenty-four dollars and fifty cents.

(2) For full time nonresident students, for each academic year of the 1977-79 biennium, and thereafter, the total of general tuition and operating fees shall be one thousand one hundred and thirty-seven dollars: PROVIDED, That the general tuition fee for such academic years and each academic year thereafter shall be three hundred and ninety-four dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each academic year shall not exceed fifty-one dollars.

(4) Tuition, operating fees and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 6. It is the intent of the legislature that needy students not be deprived of access to higher education due to increases in educational costs or consequent increases in tuition and fees. It is the sense of the legislature that state appropriations for student financial aid be adjusted in an amount which together with funds estimated to be available in the form of basic educational opportunity grants as authorized under Section 411 of the federal Higher Education Act of 1965 as now or hereafter amended will equal twenty-four percent of any change in revenue estimated to occur as a result of revisions in tuition and fee levels under the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 7. The house and senate higher education committees shall develop, in cooperation with the council for postsecondary education and the respective fiscal committees of the house and senate, the office of fiscal management and the state institutions of higher education no later of than January 1978, and at each two year interval thereafter, definitions, criteria and procedures for the operating cost of instruction for the state universities upon which general tuition and operating fee recommendations will be based.

NEW SECTION. Sec. 8. In accordance with its responsibilities under RCW 28B.80.030(3), the council for postsecondary education shall make recommendations to the governor and the legislature for adjustments in the amounts of tuition and operating fees consistent with the intent of this 1977 amendatory act. Such recommendations shall be made not later than November 10th of each even-numbered year and shall be based on the operating cost of instruction for the state universities for the biennium then in effect, such operating costs to be calculated in accordance with definitions, criteria and procedures which have been approved as provided in section 7 of this 1977 amendatory act.

Sec. 9. Section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620 are each amended to read as follows:

(1) The tuition and operating fees charged to veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be ((exempted from the payment of any increase in tuition and fees as are imposed by this 1971 amendatory act and shall not be required to pay more than the total amount of tuition and fees in effect on March 29, 1971)), for each academic year of the 1977-79 biennium and thereafter adjusted at the same dollar amount as are the tuition and operating fees of resident undergraduate students: PROVIDED ((FURTHER)), That for the purposes of this ((exemption)) section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on ((such date as shall thereafter be determined by duly adopted concurrent resolution of the legislature of this state or by presidential proclamation or concurrent resolution of the congress terminating the conflict involving United States forces battling in South Vietnam)) May 7, 1975 and who qualify as a resident student under RCW 28B.15-.012 and who have enrolled in state institutions of higher education on or before the effective date of this 1977 amendatory act.

(2) The provisions of this section shall be null and void and of no effect after July 1, 1981.

Sec. 10. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 37, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the state universities may exempt the following classes of persons from the payment of general tuition fees, operating fees, or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students: AND, PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977. (2) Members of the staffs of the University of Washington and Washington State University: PROVIDED, That for the purposes of this subsection "staffs" shall not apply to faculty and administrative exempt employees. (3) ~~(Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington. (4))~~ Children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 11. Section 9, chapter 269, Laws of 1969 ex. sess. as last amended by section 78, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.40.361 are each amended to read as follows:

The boards of trustees of The Evergreen State College may exempt from the payment of general tuition, operating fees, or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in state colleges on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 12. Section 59, chapter 169, Laws of 1977 1st ex. sess. (presently uncodified) is hereby amended to read as follows:

The boards of trustees of each regional university may exempt from the payment of general tuition, operating fees, or services and activities fees, except for individual instruction fees, (1) all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service: PROVIDED FURTHER, That such exemptions shall be provided only to those persons otherwise covered who were enrolled in the regional universities on or before October 1, 1977, and (2) all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

NEW SECTION. Sec. 13. For the period commencing August 1, 1977, and ending July 31, 1981, those students enrolled in undergraduate programs at Washington state universities and regional universities and The Evergreen State College who are residents of the Canadian province of British Columbia, shall pay the same amount of general tuition, operating, and services and activities fees charged Washington resident students enrolled in the same programs: **PROVIDED**, That if a different tuition and fee schedule shall be charged Washington state students attending institutions of higher education located in the Canadian province of British Columbia than for resident students thereof, the provisions of this section shall cease to be in effect at the end of the fiscal year in which the different tuition and fee schedule is so charged.

The council for postsecondary education shall review the costs of such pilot program and make recommendations to the legislative session, commencing January, 1981, on the possible continuation of this experimental program. Following such review, the legislature shall make the determination to extend or terminate the program.

NEW SECTION. Sec. 14. The following acts or parts of acts are hereby repealed:

(1) Section 28B.15.200, chapter 223, Laws of 1969 ex. sess., section 4, chapter 102, Laws of 1970 ex. sess., section 6, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.200;

(2) Section 28B.15.300, chapter 223, Laws of 1969 ex. sess., section 5, chapter 102, Laws of 1970 ex. sess., section 7, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.300;

(3) Section 28B.15.400, chapter 223, Laws of 1969 ex. sess., section 6, chapter 102, Laws of 1970 ex. sess., section 9, chapter 279, Laws of 1971 ex. sess., section 38, chapter 169, Laws of 1977 1st ex. sess. and RCW 28B.15.400; and

(4) Section 23, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.630.

NEW SECTION. Sec. 15. Notwithstanding any other section of this 1977 amendatory act, the boards of regents and trustees of the respective institutions of higher education shall set aside from general tuition and fees charged in each schedule an amount heretofore pledged and necessary for the purposes of bond retirement until such time as any such debt has been satisfied.

NEW SECTION. Sec. 16. Sections 3 and 4, and 6 through 8 of this 1977 amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

NEW SECTION. Sec. 17. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Signed by: Senators Odegaard, Benitz and Sandison; Representatives Erickson and Enbody.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 312.

MESSAGE FROM THE HOUSE

June 17, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2480, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 17, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2480, as amended by the House, revising the law on unemployment compensation, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Ridder, Morrison and Mardesich; Representatives Lux and Charette.

MOTION

Senator Ridder moved the report of the Free Conference Committee on Engrossed Senate Bill No. 2480 be adopted.

POINT OF INQUIRY

Senator Grant: "Would Senator Ridder yield to a question? Senator Ridder, with regards to the section that discusses the constitutionality of the local government unemployment compensation provision, is it my understanding that local government employees will be covered until such time as the act, if it is found to be unconstitutional, is found to be unconstitutional?"

Senator Ridder: "That is right. We go on the assumption . . ."

Senator Grant: "They will have coverage until that act—I think the League of Cities involved—or the litigation the League of Cities is involved with is finally decided?"

Senator Ridder: "Yes, that is right. It is our assumption that it is constitutional and that we would proceed under that provision."

The motion by Senator Ridder carried. The report of the Free Conference Committee on Engrossed Senate Bill No. 2480 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2480, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; absent or not voting, 1; excused, 16.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Lewis, Marsh, Monohon, Morrison, Newschwander, North, Peterson, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—32.

Absent or not voting: Senator Matson—1.

Excused: Senators Bausch, Buffington, Donohue, Fleming, Francis, Hayner, Herr, Mardesich, McDermott, Murray, Odegaard, Pullen, Rasmussen, Rohrbach, Scott, Woody—16.

ENGROSSED SENATE BILL NO. 2480, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 18, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2419, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 18, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 2419, excluding law enforcement officers from the prohibition of recording private communications, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Francis, Clarke and Mardesich; Representatives Knowles, Newhouse and Enbody.

MOTION

On motion of Senator Clarke, the report of the Free Conference Committee on Engrossed Senate Bill No. 2419 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2419, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; nays, 6; excused, 15.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Gaspard, Grould, Guess, Henry, Jones, Lewis, Marsh, Matson, Monohon, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, Walgren Wanamaker, Washington, Wojahn—28.

Voting nay: Senators Day, Goltz, Grant, Keefe, von Reichbauer, Wilson—6.

Excused: Senators Bausch, Buffington, Donohue, Fleming, Francis, Hayner, Herr, Mardesich, McDermott, Murray, Odegaard, Pullen, Rohrbach, Scott, Woody—15.

ENGROSSED SENATE BILL NO. 2419, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

June 18, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1348, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 1120,
 SUBSTITUTE HOUSE BILL NO. 1310, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

June 18, 1977.

Mr. President: The House has failed to pass: REENGROSSED SUBSTITUTE
 SENATE JOINT RESOLUTION NO. 116.

DEAN R. FOSTER, Chief Clerk.

June 17, 1977.

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

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 660,
 SUBSTITUTE HOUSE BILL NO. 1120,
 SUBSTITUTE HOUSE BILL NO. 1310.

MOTION

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

MOTION

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

SENATE RESOLUTION 1977-80

By Senators Marsh, Odegaard, Talley, Henry and Monohon:

WHEREAS, In the State of Washington there is represented the type of great
 diversity of geography, industry, agriculture, ethnic background, and cultural iden-
 tity that has made the United States the greatest nation in the world; and

WHEREAS, The role of the men and women who fought to keep America the
 home of the brave and the land of the free, has always been one of honor and
 importance; and

WHEREAS, The Barnes Veterans Administration Hospital in Vancouver has
 long served the needs of the veterans of this state; and

WHEREAS, The Veterans Administration has proposed to greatly curtail the
 services offered at the Barnes Hospital in favor of a new site on Marquam Hill in
 Portland, Oregon; and

WHEREAS, The current location of the Veterans Hospital has many advan-
 tages, including convenience, accessibility, and room for expansion;

NOW, THEREFORE, The members of the Senate of the State of Washington
 respectively pray that the United States Veterans Administration be directed to per-
 mit the City of Vancouver to retain its veterans hospital facilities to serve the veter-
 ans of this state, saving them and the state the serious hardships which would result
 from the removal of the facilities from the State of Washington; and

BE IT RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Warren G. Magnuson and the Honorable Henry M. Jackson, Senators of the State of Washington, as well as to each member of Congress from the State of Washington, to the Administrator of Veterans Affairs, and to the Superintendent of Barnes Veterans Hospital.

MOTION

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

- 1977-78 Aliens, real estate acquisition, state government committee, study.
- 1977-79 Aliens, illegal, problems, labor committee, study.
- 1977-81 Performing arts, conventions, food beverage service laws, state government committee, study.
- 1977-82 Breeder reactors, fusion, development, commercialization, development, funding urged.
- 1977-83 Higher education, institutions, lobbyist expenses, higher education committee, study.
- 1977-84 Privacy rights, judiciary, state government committees, study.
- 1977-85 In-home service programs, chore services, homemaker services, home health aid service, social and health services committee, study.
- 1977-86 Inland lakes, rivers, navigability, natural resources committee, study.
- 1977-87 Salmon release-recapture rearing facilities, pilot program establishment, natural resources committee, study.

MOTION

At 11:27 a.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m. There being no objection, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

June 18, 1977.

Mr. President: The Speaker has signed: HOUSE BILL NO. 236, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 18, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 865, SUBSTITUTE HOUSE BILL NO. 866, SUBSTITUTE HOUSE BILL NO. 867, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 18, 1977.

Mr. President: The Speaker has signed: SENATE BILL NO. 2042,

SENATE BILL NO. 2516, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 236,
SUBSTITUTE HOUSE BILL NO. 865,
SUBSTITUTE HOUSE BILL NO. 866,
SUBSTITUTE HOUSE BILL NO. 867.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2435,
SENATE BILL NO. 2480,
SUBSTITUTE SENATE BILL NO. 2910.

MESSAGES FROM THE HOUSE

June 18, 1977.

Mr. President: The Speaker has signed: SENATE BILL NO. 2480, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 18, 1977.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 2558, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

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

On motion of Senator Walgren, Senate Resolution 1977-88, intergovernmental relations, state government committee study, was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE HOUSE

June 18, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, and has granted the committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 17, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, as amended by the Senate, charging tuition and fees at state institutions of higher education based on portion of educational costs incurred, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Odegaard, Benitz and Sandison; Representatives Erickson and Enbody.

MOTION

Senator Odegaard moved the report of the Free Conference Committee on Engrossed Substitute House Bill No. 312 be adopted.

POINT OF INQUIRY

Senator Newschwander: "Would Senator Odegaard yield? On the reciprocity with BC, do they pay then the same tuition as state residents?"

Senator Odegaard: "They would not pay out-of-state tuition, as I understand it."

Senator Newschwander: "They would pay the same tuition that our own . . .?"

Senator Odegaard: "Right."

Senator Newschwander: "What is the reasoning for that?"

Senator Odegaard: "I think the reasoning, because of what is done across the border and try to be somewhat the same, and also there are a couple of other provinces that are, as we understand it, going to start charging tuition. Senator Goltz is the expert in this. Maybe he could answer that part of it better than I can."

Senator Goltz: "Senator Newschwander, the province of British Columbia does not now charge a differential rate for Washington State students who are enrolled in British Columbia colleges and universities. This has been a rather standard practice throughout Canada. In recent months, Alberta and Ontario, I believe, have gone to an out-of-province tuition rate, a very high rate, for United States students enrolled in those particular institutions. There are a significant number of Washington State students enrolled in British Columbia universities and colleges and it is an attempt to protect the privilege which Washington State students enjoy there that reciprocity is being offered, as it were, in this particular bill."

Senator Newschwander: "I understand what you are saying but I think you are starting a dangerous precedent. I cannot imagine that we are going to have a lot of students from our population areas going to Vancouver to go to the universities or the colleges up there and in the respect you have got Vancouver, a large city, that just go across the border to Western. I just cannot understand these little gimmicks to take care of people and in that respect I think I am going to vote against the bill."

The motion by Senator Odegaard carried. The report of the Free Conference Committee on Engrossed Substitute House Bill No. 312 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 312, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 29; nays, 9; absent or not voting, 2; excused, 9.

Voting yeas: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Donohue, Goltz, Gould, Henry, Lewis, Marsh, Matson, Monohon, Morrison, North, Odegaard, Peterson, Rasmussen, Ridder, Rohrbach, Sandison, Sellar, Talléy, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Wojahn—29.

Voting nays: Senators Francis, Gaspard, Guess, Jones, Keefe, Newschwander, Scott, Walgren, Washington—9.

Absent or not voting: Senators Day, Grant—2.

Excused: Senators Buffington, Fleming, Hayner, Herr, Mardesich, McDermott, Murray, Pullen, Woody—9.

ENGROSSED HOUSE BILL NO. 312, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 18, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 2435,
 SUBSTITUTE SENATE BILL NO. 2910, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

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

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

- 1977-28 Volunteer Week
- 1977-29 Sandy Hill congratulated
- 1977-32 Study, Washington Business Corporation Act
- 1977-35 St. Edwards' Seminary * adopted 5-5-77
- 1977-40 Study, Cedar mills problems
- 1977-41 Study, organized crime, combat
- 1977-43 Study, Higher education capital facilities
- 1977-44 Study, higher education summer school
- 1977-45 Study, higher education, vocational education
- 1977-46 Study, higher education faculty research
- 1977-50 Study, counties, county officials
- 1977-51 Study, boundary review boards
- 1977-52 Study, bids, local government
- 1977-53 Study, platting, subdivision
- 1977-54 Girl Scouts honored
- 1977-55 Study, higher education transfer policies
- 1977-56 Study, steelhead trout
- 1977-57 Study, Sand Point, aviation use
- 1977-58 Study, committee meetings not in Olympia
- 1977-59 Study, fusion power development
- 1977-60 Study, corrections, alternatives
- 1977-61 Study, health care delivery system
- 1977-62 Study, medical disciplinary board
- 1977-63 Study, health care arbitration
- 1977-64 Study, doctors, rural areas
- 1977-65 Study, Cascadia treatment center
- 1977-66 Study, medical malpractice, product liability
- 1977-67 Study, Title I extension
- 1977-68 Study, schools, accreditation
- 1977-69 Study, ESD's school distribution
- 1977-70 Study, interscholastic activities
- 1977-71 Study, minimum competency requirements
- 1977-73 Requesting Congress balance budget (memorial)

1973-76 Study, veterans' loan program
 1973-77 Study, library financing

MOTION

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

MESSAGE FROM THE HOUSE

June 18, 1977.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2825, with the following amendments:

Strike everything after the enacting clause, and insert the following:

"NEW SECTION. Section 1. There is added to chapter 82.38 RCW a new section to read as follows:

In order to encourage the use of nonpolluting fuels, until July 1, 1979, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, in accordance with the following schedule:

VEHICLE TONNAGE (GVW)	FEE
0 - 6,000	\$ 60
6,001 - 10,000	\$ 70
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

The department of motor vehicles, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of the department of motor vehicles shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977."

In line 1 of the title, after "tax;" strike the remainder of the title, and insert "adding a new section to chapter 82.38 RCW; declaring an emergency; and providing an effective date.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2825.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2825, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Newschwander, North,

Odegaard, Peterson, Rasmussen, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—40.

Excused: Senators Buffington, Fleming, Hayner, Herr, Mardesich, McDermott, Murray, Pullen, Woody—9.

ENGROSSED SENATE BILL NO. 2825, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

The Senate resumed consideration of the House Message on Reengrossed Substitute Senate Bill No. 2034, making various changes in election laws. On June 14, 1977, Senator Grant moved the Senate concur in the House amendments. Senator Lewis raised a Point of Order on the amendments as to scope and object. The President ruled, on that day, the amendments were in order. The motion by Senator Grant was held for consideration at a later time.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained by Senators von Reichbauer, Newschwander, Jones, Guess, Gould, Benitz, Day, Guess and Morrison.

The President declared the question before the Senate to be the motion by Senator Grant that the Senate concur in the House amendments to Reengrossed Substitute Senate Bill No. 2034.

ROLL CALL

The Secretary called the roll and the motion carried by the following vote: Yeas 21; nays, 18; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Bottiger, Cunningham, Francis, Gaspard, Goltz, Grant, Henry, Keefe, Marsh, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn—21.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Gould, Guess, Jones, Lewis, Mardesich, Matson, Morrison, Newschwander, North, Rohrbach, Scott, Sellar, Wanamaker, Wilson—18.

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

Excused: Senators Buffington, Fleming, Hayner, Herr, McDermott, Murray, Pullen, Woody—8.

MOTION

On motion of Senator Walgren, Reengrossed Substitute Senate Bill No. 2034, as amended by the House, was ordered held for the roll call on final passage to a later time.

MESSAGE FROM THE HOUSE

June 18, 1977.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE HOUSE BILL NO. 251, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 251.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 59.

SECOND READING

ENGROSSED HOUSE BILL NO. 59, by Representatives King, Burns, Bender, Fischer, Charnley, Pearsall, Douthwaite, Knowles, Lux, May, McKibbin, Moreau and Salatino:

Providing for collective bargaining at the state institutions of higher education.

REPORT OF STANDING COMMITTEE

April 27, 1977.

ENGROSSED HOUSE BILL NO. 59, providing for collective bargaining at the state institutions of higher education (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

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

NEW SECTION. Section 1. It is the purpose of this chapter to prescribe certain rights and obligations of the educational employees of the institutions of higher education of the state of Washington, and to establish procedures governing the relationship between such employees and their employers which are designed to meet the special requirements and needs of public employment in higher education.

NEW SECTION. Sec. 2. The boards of regents and the boards of trustees of the state institutions of higher education are hereby authorized to engage in collective bargaining with their educational employees and to recognize exclusive bargaining representatives for such purposes.

NEW SECTION. Sec. 3. The definitions set forth in this section shall apply throughout this chapter.

(1) "Employee" and "educational employee" mean any employee of an employer, but shall not include the chief executive or administrative officers of the institution of higher education, confidential employees, casual employees, supervisors, or employees subject to chapter 28B.16 RCW.

(2) "Confidential employee" includes:

(a) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(b) Any person who assists and acts in a confidential capacity to such person.

(3) "Casual employee" means any individual working "on call" or working in assignments of a limited scope or of a short term or transitory nature so as to indicate that the individual does not share a community of interest with other employees of the institution or lacks an expectancy of continued employment: PROVIDED, That no individual shall be excluded from coverage of this chapter solely on the basis of occupying student status within the institution of higher education while simultaneously holding employee status.

(4) "Supervisor" includes any employee having authority in the interest of an employer to hire, assign, promote, transfer, lay off, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action if in connection with the foregoing the exercise of such authority is not

merely routine or clerical in nature but calls for the consistent exercise of independent judgment, and shall not include any person solely by reason of his or her membership on a faculty tenure or other governance committee or body. The term "supervisor" shall include only those employees who perform a preponderance of the above-specified acts of authority.

(5) The terms "collective bargaining" and "bargaining" mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times early in the college or university budget-making process to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and other terms and conditions of employment: PROVIDED, That service and activity fees as defined in RCW 28B.15.041 shall not be a subject for bargaining: PROVIDED FURTHER, That prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining and which items are nonmandatory.

(6) "Commission" means the public employment relations commission established pursuant to RCW 41.58.010.

(7) "Employer" means the board of regents or board of trustees of each institution of higher education. An institution of higher education shall mean each of the state universities, state colleges, and community college districts.

(8) The term "employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate, and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(9) The term "exclusive bargaining representative" means any employee organization which has:

(a) Been selected or designated pursuant to the provisions of this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Prior to the effective date of this act, been recognized under a predecessor statute as the representative of the employees in an appropriate collective bargaining or negotiations unit.

NEW SECTION. Sec. 4. (1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to section 5 of this act, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.

NEW SECTION. Sec. 5. A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

NEW SECTION. Sec. 6. The commission upon receiving proper application for certification as an exclusive bargaining representative or upon petition for change of unit definition by the employer or any employee organization and after hearing upon reasonable notice shall determine the appropriate unit for bargaining and shall consider the duties, skills, and working conditions of the employees, the extent of organization among the employees, the community of interest among the employees, the desire of the employees, and the overall management structure of the employer and the interrelationships of divisions within the institution. Unnecessary fragmentation shall be avoided.

Title variations may be appealed to the commission for inclusion in or exclusion from an appropriate unit based on status of educational employee.

NEW SECTION. Sec. 7. (1) Any employee organization may file a request with the commission for recognition as the exclusive representative. Such request shall allege that a majority of the employees in an appropriate collective bargaining unit wish to be represented for the purpose of collective bargaining by such organization, shall describe the grouping of jobs or positions which constitute the unit claimed to be appropriate, shall be supported by credible evidence demonstrating that at least thirty percent of the employees in the appropriate unit desire the organization requesting recognition as their exclusive representative, and shall indicate the name, address, and telephone number of any other interested employee organization, if known to the requesting organization.

(2) The commission shall determine the exclusive representative by conducting an election by secret ballot, except under the following circumstances:

(a) In instances where a serious unfair labor practice has been committed which interfered with the election process and precluded the holding of a fair election, the commission shall determine the exclusive bargaining representative by an examination of organization membership rolls or a comparison of signatures on organization bargaining authorization cards;

(b) In instances where there is then in effect a lawful written collective bargaining agreement between the employer and another employee organization covering any employees included in the unit described in the request for recognition, the request for recognition shall not be entertained unless it shall be filed within the time limits prescribed in subsection (3) of this section for decertification or a new recognition election;

(c) In instances where within the previous twelve months another employee organization has been lawfully recognized or certified as the exclusive bargaining representative of any employees included in the unit described in the request for recognition, the request for recognition shall not be entertained;

(d) In instances where the commission has within the previous twelve months conducted a secret ballot election involving any employees included in the unit described in the request for recognition in which a majority of the valid ballots cast chose not to be represented by any employee organization, the request for recognition shall not be entertained.

(3) Whenever the commission conducts an election to ascertain the exclusive bargaining representative, the ballot shall contain the name of the proposed bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the educational employees within the unit, together with a choice for any educational employee to designate that he or she does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority of the valid ballots cast by the educational employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which receive the largest and second largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. In the event that a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for three years, then the question of representation may be raised not more than ninety nor less than sixty days prior to the third anniversary date of the agreement or any renewals or extensions thereof as long as such renewals and extensions do not exceed three years; and if the exclusive bargaining representative is removed as a result of such procedure, the then existing collective bargaining agreement shall be terminable by the new exclusive bargaining representative so selected within sixty days after its certification or terminated on its expiration date, whichever is sooner, or if no exclusive bargaining representative is so selected, then the agreement shall be deemed to be terminated at its expiration date or as of such third anniversary date, whichever is sooner.

(4) Within the time limits prescribed in subsection (3) of this section, a petition may be filed, which has been signed by at least thirty percent of the employees of a collective bargaining unit then represented by an exclusive bargaining representative, alleging that a majority of the employees in that unit do not wish to be represented by an employee organization, requesting that the exclusive bargaining representative be decertified, and indicating the name, address, and telephone number of the exclusive bargaining representative and any other interested employee organization, if known. Upon the verification of the signatures on the petition, the commission shall conduct an election by secret ballot as prescribed by subsection (3) of this section.

NEW SECTION. Sec. 8. The employee organization which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the commission as the exclusive bargaining representative of, and shall be required to represent all the employees within the unit without regard to membership in that bargaining representative: **PROVIDED,** That any employee at any time may present his grievance to the employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, as long as such representative has been given an opportunity to be present at that adjustment and to make its views known, and as long as the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect.

NEW SECTION. Sec. 9. A student team to consist of the elected student association officers of any institution of higher education, or their designees, not to exceed three in number, shall be notified of and allowed to be present at all collective bargaining sessions and have access to all written documents pertaining to the

collective bargaining negotiations exchanged by the employer and exclusive bargaining representative, including copies of any prepared written transcripts of the bargaining sessions. Rules regarding confidentiality shall apply to such students in the same manner as to the employer and the exclusive bargaining representative. If rules regarding confidentiality are violated by any student the commission shall have the authority to exclude any or all students from any or all further bargaining sessions affecting the negotiations in progress when the violation occurred. In no event shall student representatives be allowed to be present during or participate in third party dispute resolution proceedings. Participation, other than observation, by students during bargaining sessions shall be determined by agreement between the employer and exclusive bargaining representative.

NEW SECTION. Sec. 10. (1) The commission shall promulgate, revise, or repeal, in the manner prescribed by the administrative procedure act, chapter 34.04 RCW, such rules as it may deem necessary and appropriate to administer the provisions of this chapter, in conformity with the intent and purpose of this chapter, and consistent with the best standards of labor-management relations.

(2) The rules, precedents, and practices of the national labor relations board, provided they are consistent with this chapter, shall be considered by the commission in its interpretation of this chapter, and prior to adoption of any aforesaid commission rules.

NEW SECTION. Sec. 11. (1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 4 of this act;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules made by the commission pursuant to section 10 of this act, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment, but nothing contained in this subsection shall prevent an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to section 5 of this act;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed in section 4 of this act: PROVIDED, That this paragraph shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, provided it is the representative of its employees subject to section 8 of this act.

(3) The expression of any views, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION. Sec. 12. (1) The commission is empowered to prevent any person from engaging in any unfair labor practice as defined in section 11 of this act. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, equity, or otherwise.

(2) If the commission determines that any person has engaged in or is engaging in any such unfair labor practices as defined in section 11 of this act, then the commission shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purposes and policy of this chapter, such as the payment of damages and/or the reinstatement of employees.

(3) The commission may petition the superior court for the county in which the main office of the employer is located or wherein the person who has engaged or is engaging in such unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief.

NEW SECTION. Sec. 13. Actions taken by or on behalf of the commission shall be pursuant to chapter 34.04 RCW, or rules adopted in accordance therewith, and the right of judicial review provided by chapter 34.04 RCW shall be applicable to all such actions and rules.

NEW SECTION. Sec. 14. (1) Contracts or agreements, or any provision thereof, entered into between an employer institution of higher education and an exclusive bargaining representative pursuant to this chapter shall not be affected by or be subject to chapter 28B.19 RCW.

(2) If any provision of any written agreement between the employer and the exclusive bargaining representative requires implementation or appropriation by legislative action, the employer and the exclusive bargaining representative shall be required to seek such implementation or appropriation actively and in good faith.

NEW SECTION. Sec. 15. (1) Whenever a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same employees, the effective date of such collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with such effective date as established by this subsection, and may also accrue beginning with the effective date of any individual employee contracts affected thereby.

(2) Any collective bargaining agreement may provide for the increase of any wages, salaries, and other benefits during the term of such agreement or the term of any individual employee contracts concerned, in the event that the employer receives by increased appropriation or from other sources, additional moneys for such purposes.

NEW SECTION. Sec. 16. (1) The commission, through the executive director, may proffer its mediation services in any labor dispute involving an employer and an exclusive representative, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(2) A person designated to act as a mediator in a labor dispute pursuant to this section shall meet with the representatives of the parties, either jointly or separately, and shall take such other steps as he or she may deem appropriate in order to persuade the parties to resolve their differences and effect an agreement: **PROVIDED,** That a mediator shall not have a power of compulsion.

The services of the mediator, including any per diem expenses, shall be provided by the commission without cost to the parties: **PROVIDED,** That nothing in

this section shall be construed to prohibit an employer and an exclusive representative from agreeing to substitute, at their own expense, some other mediator or mediation procedure.

(3) If an employer and an exclusive representative reach an impasse in negotiations for a collective bargaining agreement, either party, by written notice to the other party and to the commission, may request that the matters in dispute be submitted to a fact-finder for recommendations. Upon the filing of a request for fact-finding, the commission shall investigate the situation and may attempt to resolve the matter through mediation. If the executive director, upon the recommendation of the investigator or mediator, finds that the parties remain at impasse after a reasonable period of negotiations, then the executive director shall initiate fact-finding proceedings and shall provide the parties with a list of five persons qualified to serve as the neutral fact-finder. The parties shall forthwith attempt to agree upon a fact-finder from the list provided by the commission or upon some other person. Upon the failure of the parties to agree upon the selection of a fact-finder within five days after the issuance of a list to them, the commission shall, upon the request of either party, appoint a fact-finder. The commission shall not appoint as fact-finder the same person who acted as mediator in the dispute.

(4) The fact-finder shall promptly establish a date, time, and place to meet with the representatives of the parties and shall provide reasonable notice thereof to the parties to the dispute: **PROVIDED**, That the requirements of chapter 34.04 RCW shall not apply to such notice. The fact-finder shall make inquiries and investigations, hold hearings, and take such other steps as he or she may deem appropriate. For the purpose of such hearings, the fact-finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.

(5) The fact-finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how their dispute should be resolved. A copy thereof shall be delivered or mailed to each of the parties to the dispute and a copy shall be filed with the commission. The findings and recommendations of the fact-finder shall be advisory only and shall be held in confidence among the fact-finder, the employer, the exclusive bargaining representative, and the commission for seven calendar days following their issuance to permit the employer and the exclusive bargaining representative to study and respond to the recommendations. No later than seven calendar days following the issuance of the recommendations of the fact-finder, each party shall notify the commission and the other party whether it accepts or rejects, in whole or in part, the recommendations of the fact-finder. If the parties remain in disagreement following the expiration of the seven day period, the findings and recommendations of the fact-finder may be made public.

(6) The fees and expenses of the fact-finder shall be shared equally by the parties, and all other costs of the proceeding shall be paid by the party incurring them: **PROVIDED**, That nothing in this section shall be construed to prohibit an employer and an exclusive representative from agreeing to substitute, at their own expense, some other impasse procedure, or from agreeing to some other allocation of the costs of fact-finding between them.

NEW SECTION. Sec. 17. An employer and an exclusive bargaining representative who enter into a collective bargaining agreement may include in such agreement procedures for binding arbitration of such disputes as may arise involving the interpretation or application of such agreement.

NEW SECTION. Sec. 18. Except as otherwise expressly provided herein, nothing in this chapter shall be construed to annul, modify, or preclude the renewal or continuation of any lawful agreement entered into prior to October 1, 1977, between an employer and an employee organization covering wages, hours, and

terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy, or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 19. Except as otherwise expressly provided herein, nothing contained in this chapter shall be construed to deny or otherwise abridge any rights, privileges, or benefits granted by law to employees.

NEW SECTION. Sec. 20. Nothing in this chapter shall be construed to interfere with the responsibilities and rights of the employer as specified by federal and state law, including the employer's responsibilities to students, the public, and other constituent elements of the institution.

NEW SECTION. Sec. 21. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. The following acts or parts of acts are each hereby repealed:

- (1) Section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010;
- (2) Section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess., section 12, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.020;
- (3) Section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030;
- (4) Section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035;
- (5) Section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050;
- (6) Section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess., section 13, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.060;
- (7) Section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070;
- (8) Section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess., section 14, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.080;
- (9) Section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090;
- (10) Section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100;
- (11) Section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200;
- (12) Section 5, chapter 288, Laws of 1975 1st ex. sess., section 92, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.59.040; and
- (13) Section 6, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.050.

NEW SECTION. Sec. 23. Sections 1 through 20 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 24. This act shall take effect on October 1, 1977."

On page 1, on line 1 of the title, after "relations;" strike all matter down to and including "41.58.020;" on line 2

On page 1, on line 25 of the title, after "41.59.040;" and before "repealing" strike "and"

On page 1, on line 27 of the title, after "41.59.050" and before "." insert "and providing an effective date"

Signed by: Senators Ridder, Chairman; Grant, Mardesich, Morrison, Peterson.

The bill was read the second time by sections.

Senator Ridder moved adoption of the committee amendment.

Senator Morrison moved adoption of the following amendment to the committee amendment:

On page 2, line 37, after "employment:" strike "PROVIDED" and insert "PROVIDED, That no collective bargaining agreement reached after the effective date of this act but prior to January 1, 1979 shall contain any provision regarding the subject of tenure, nor shall any tenure rights or agreements existing prior to the effective date of this act be precluded from continuing until January 1, 1979: PROVIDED FURTHER, That if a collective bargaining agreement reached after January 1, 1979 contains any provision regarding the subject of tenure, the terms of that agreement shall supersede all existing statutes and any resolution, rule, policy, or regulation of the employer regarding the subject of tenure: PROVIDED FURTHER"

POINT OF INQUIRY

Senator Guess: "Would Senator Morrison yield? Senator Morrison, this is a rather complicated piece of language and I believe that if I followed you correctly that the second proviso says that if a collective bargaining agreement reached after January 1, 1979 contains any provisions regarding the subject of tenure—contains any provisions regarding the subject of tenure—do you mean, is that the provisions regarding tenure the same as tenure? In other words, is there a new way that perhaps you could have tenure without having tenure, if you get what I mean?"

Senator Morrison: "I was presuming that any provision regarding the subject of tenure would be anything related to job security. That is, protection of the job against, let us say, firing or dismissal by the administration."

Senator Guess: "All right, if tenure is in that contract after January 1, 1979, then the terms of the act are then null and void. Is that the impact of it?"

Senator Morrison: "No, the terms of any present statutory protection or tenure mechanisms already in existence within the university and colleges would be null and void for that particular group."

Senator Guess: "Thank you."

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 59, together with the pending committee amendments and the amendment by Senator Morrison to the committee amendment, was ordered held on the second reading calendar.

MOTION

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

INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 388, by Committee on Revenue (originally sponsored by Representatives McKibbin, Charnley, Boldt and Lux):

Exempting solar energy systems installed as improvements to real property from property taxation.

MOTIONS

On motion of Senator Walgren, the rules were suspended, Second Substitute House Bill No. 388 was advanced to second reading.

On motion of Senator Walgren, Second Substitute House Bill No. 388 was ordered placed on the second reading calendar.

On motion of Senator Bottiger, Second Substitute House Bill No. 388 was ordered held for further consideration later today.

At 2:21 p.m., on motion of Senator Walgren, the Senate was declared to be at case.

EVENING SESSION

The President called the Senate to order at 10:30 p.m.
There being no objection, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

June 18, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 312, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 18, 1977.

Mr. President: The House has passed: SUBSTITUTE HOUSE JOINT RESOLUTION NO. 42, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 18, 1977.

Mr. President: The Speaker has signed: THIRD SUBSTITUTE HOUSE BILL NO. 1188, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 18, 1977.

Mr. President: The Speaker has signed: HOUSE BILL NO. 1133, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, Senate Resolution 1977-96, study of Oregon Joint Ways and Means Committee system, was referred to the Committee on Rules.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2419,
SUBSTITUTE SENATE BILL NO. 2558,
SENATE BILL NO. 2825.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1133,
THIRD SUBSTITUTE HOUSE BILL NO. 1188.

MOTION

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

REPORT OF CONFERENCE COMMITTEE

June 18, 1977

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1284, as amended by the Senate, allowing transactions respecting University of Washington metropolitan tract to encompass time sequence of 60 years from December 31, 1980, have had the same under consideration, and we request the powers of Free Conference in order to amend the bill:

We recommend the Senate amendment be not adopted and the bill be amended as follows:

On page 1, line 30, after "legislature" insert

": PROVIDED FURTHER, That any and all records, books, accounts and/or agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents and/or the ways and means committee of the senate or the appropriations committee of the house of representatives or any successor committee of either. It is not intended by this proviso that unrelated records, books, accounts and/or agreements of lessees, sublessees or related companies be open to such inspection."

Signed by: Senators Mardesich and Van Hollebeke; Representatives Erickson, Sommers and Newhouse.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference to House Bill No. 1284.

MOTION

At 10:35 p.m., on motion of Senator Walgren, the Senate recessed subject to the Call of the President.

SECOND EVENING SESSION

The President called the Senate to order at 11:20 p.m.

MOTION

At 11:22 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m., Sunday, June 19, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDRED FIRST DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, June 19, 1977.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Buffington, Donohue, Fleming, Francis, Hayner, Jones, Mardesich, Newschwander, Pullen, Rasmussen, Rohrbach, Sandison, Wojahn and Woody. On motion of Senator Odegaard, Senators Bottiger, Donohue, Fleming, Francis, Mardesich, Rasmussen, Sandison, Wojahn and Woody were excused. On motion of Senator Lewis, Senators Buffington, Hayner, Jones, Newschwander and Pullen were excused.

The Color Guard, consisting of Pages Gregory Odegaard and Diane Rohrbeck, presented the Colors. Senator C. W. "Red" Beck offered the following prayer:

"ALMIGHTY GOD, HISTORY AND EXPERIENCE HAVE GIVEN US SO MANY EVIDENCES OF THY DIVINE GUIDANCE, WE PRAY, O GOD, THAT YOU WILL INSPIRE US; GIVE US THE WILLINGNESS TO BE LED BY THEE ALSO. BE WITH US AS WE GATHER HERE TODAY, LORD, TO TRY TO RESOLVE THE AFFAIRS OF STATE. GIVE US KNOWLEDGE; GIVE US COURAGE AND THE CONVICTION OF OUR OWN THOUGHTS TO DO WHAT IS RIGHT FOR THE PEOPLE AND FOR THY HONOR AND GLORY. IN THY HOLY NAME WE PRAY. AMEN."

MOTION

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

MESSAGE FROM THE HOUSE

June 1, 1977.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 3054 with the following amendments:

Beginning on page 1, line 12, strike everything after the enacting clause and insert the following:

"Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 33, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.291 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and December 31, 1978, inclusive, six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax account A and a state timber tax (~~(account-B)~~) reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax account A and state timber tax (~~(account-B)~~) reserve account as follows:

YEAR OF COLLECTION	ACCOUNT A	(ACCOUNT B) RESERVE ACCOUNT
1973 through ((1978)) 1982	100%	0%
((1979	75%	25%
1980	50%	50%
1981	25%	75%
1982)) 1983 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and September 30, 1974 inclusive. The revenues from such surtax shall be deposited in ~~((a separate account designated))~~ the state timber tax reserve account ~~((, which is hereby created in the state general fund and any interest earned on the investment of these cash balances shall be deposited in this account))~~. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve account pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such account to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

Sec. 2. Section 6, chapter 294, Laws of 1971 ex. sess. as amended by section 91, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.060 are each amended to read as follows:

In each year commencing with 1972 and ending with ~~((1980))~~ 1981, solely for the purpose of determining, calculating and fixing, pursuant to chapter 84.52 RCW, the dollar rates for all regular and excess levies for the state and each timber county and taxing district lying wholly or partially in such county within which there was timber on January 1 of such year, the assessor of such timber county shall, for each such district, add to the amount of the "assessed valuation of the property" of all property other than timber the product of:

(a) The portion indicated below for each year of the value of timber therein as shown on the timber roll prepared in accordance with RCW 84.33.050 for such year; and

(b) The assessment ratio applied generally by such assessor in computing the assessed value of other property in his county:

YEAR	PORTION OF TIMBER ROLL
1972 through 1977	100%
1978	((75%)) 80%
1979	((50%)) 60%
1980	((25%)) 40%
1981 ((and thereafter	None) 20%
1982 and thereafter	None

Sec. 3. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with ~~((1980))~~ 1981, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978	((75%)) 80%
1979	((50%)) 60%
1980	((25%)) 40%
1981	20%

On or before December 31 of each year commencing with 1972 and ending with ~~((1980))~~ 1981, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the twentieth day of the second month of each calendar quarter, commencing February 20, 1974 and ending November 20, ~~((1981))~~ 1982, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion and pay into the state general fund for the support of the common schools the state's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax account A collected upon timber harvested in the preceding calendar quarter, but in no event shall any such quarterly payment to a taxing district, when added to such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax account A, if any, ~~((after the distribution to taxing districts on November 20, 1974 and))~~ on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, ~~((1981))~~ 1982 shall be transferred to the state timber tax reserve account.

(3) If the balance in state timber tax account A immediately prior to such twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber tax reserve account to state timber tax account A.

(4) If, after the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in August of any year commencing with 1974, the balance in the state timber reserve account exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve account, for activities undertaken by the department of revenue forest (~~(valuation-section)) tax division~~ and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter(~~(- PROVIDED, That within the 1973-75 biennium, the state treasurer shall transfer from the state timber reserve account to the state general fund an amount equal to actual expenditures of the department of revenue related to the activities of the forest valuation section no later than August 31, 1974 and August 31, 1975, for the fiscal year just completed. If the amount of such excess is more than is necessary for reimbursement for such purposes, the remaining amount of the excess shall be distributed to the taxing districts which distribution shall be made in the following manner:))~~. If following the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in November of 1977 and each year thereafter, the balance in the state timber tax reserve account exceeds two million dollars, the department of revenue shall determine on or before December 31 of such year, an amount to be distributed' to the taxing districts the following calendar year, which distribution shall be determined in the following manner: PROVIDED, That the amount of such excess reserve account distribution shall be limited to that amount which, when added to the total account A distribution for the same calendar year, will allow a percentage increase or decrease in total calendar year distributions equal to the percentage increase or decrease in excise tax collections between the preceding calendar year and the current calendar year:

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate, value of timber harvested for as many quarters for which information is available;

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve account, to the treasurer of each timber county for the account of each local taxing district, one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber tax reserve account such additional one-fourth amount due the state.

~~((The balance, if any, in the state timber reserve account after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax account B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section:))~~

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

~~((6) On the twentieth day of the second month of each calendar quarter commencing February 20, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax account B collected upon timber harvested in the preceding calendar quarter.))"~~

On line 7 of the title, after "RCW 84.33.060;" and before "amending" insert "and"

On line 9 of the title, after "84.33.080" and before the period on line 10, delete "; and declaring an emergency", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3054.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3054, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; absent or not voting, 2; excused, 14.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Peterson, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—33.

Absent or not voting: Senators Benitz, Rohrbach—2.

Excused: Senators Buffington, Donohue, Fleming, Francis, Hayner, Jones, Mardesich, McDermott, Newschwander, Pullen, Rasmussen, Sandison, Wojahn, Woody—14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3054, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:55 p.m., on motion of Senator Walgren, the Senate was declared to be at case.

The President called the Senate to order at 2:38 p.m.

MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Second Substitute House Bill No. 388.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 388, by Committee on Revenue (originally sponsored by Representatives McKibbin, Charnley, Boldt and Lux):

Exempting solar energy systems installed as improvements to real property from property taxation.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Second Substitute House Bill No. 388 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 388, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 3; excused, 11.

Voting yea: Senators Beck, Bluechel, Bottiger, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—35.

Absent or not voting: Senators Bausch, Benitz, Scott—3.

Excused: Senators Buffington, Donohue, Fleming, Francis, Hayner, Jones, Mardesich, McDermott, Newschwander, Pullen, Woody—11.

SECOND SUBSTITUTE HOUSE BILL NO. 388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 604.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 604, by Committee on Labor (originally sponsored by Representatives Lux, Pearsall, Fischer and Pruitt) (by Department of Labor and Industries request):

Revising the state industrial insurance laws.

The Senate resumed consideration of Engrossed Substitute House Bill No. 604 and the following amendment by Senators Marsh and Jones that had been moved for adoption on June 2, 1977. At that time, a Point of Order had been raised by Senator Grant.

On page 5, following line 21, add a section to read as follows: "Sec. _____ Chapter 23, section 51.12.050, Laws of 1961 as last amended by Chapter 43, section 8, Laws of 1972 ex. sess. and RCW 51.12.050 are each amended to read as follows:

Whenever the state, county, any municipal corporation, or other taxing district

shall engage in any work, or let a contract therefor, in which workmen are employed for wages, this title shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality, or other taxing district. If the work is being done by contract, the payroll of the contractor and the subcontractor shall be the basis of computation and, in the case of contract work consuming less than one year in performance, the required payment into the accident fund shall be based upon the total payroll. The contractor and any subcontractor shall be subject to the provisions of this title, and the state for its general fund, the county, municipal corporation, or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of the payment.

Whenever and so long as, by state law, city charter, or municipal ordinance, provision is made for employees or peace officers injured in the course of employment, such employees shall not be included in the payroll of the municipality under this title: PROVIDED, That whenever any state law, city charter, or municipal ordinance only provides for payment to the employee of the difference between his actual wages and that received under this title and may be included in the payroll of the municipality.

Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to annul, modify, or preclude the continuation of any existing contracts for providing disability and medical benefits pursuant to chapter 41.26 RCW. Upon the expiration date of such contracts, employers shall be required to cover all such employees as required pursuant to chapter Laws of 1977 (SHB 867) under the provisions of Title 51 RCW."

RULING BY THE PRESIDENT

The President: "In ruling upon the point of order raised by Senator Grant, the President finds that Engrossed Substitute House Bill No. 604 is a request of the Department of Labor and Industries which was submitted in order to clarify and streamline the enforcement of the present industrial insurance law. To accomplish this, the bill makes a variety of procedural changes in that law. The amendment proposed by Senators Marsh and Jones is substantive and deals with contracts providing for disability and medical benefits for law enforcement officers and fire fighters, and with the coverage of injuries to such officers upon the expiration of those contracts. The President, therefore, finds that the amendment does expand the scope and object of the bill and the point of order is well taken."

The amendment by Senators Marsh and Jones was ruled out of order.

There being no objection, an amendment by Senator Morrison to page 7, line 5 on the desk of the Secretary of the Senate, was withdrawn.

Senator Morrison moved adoption of the following amendment:

On page 7, section 8, line 5 after "certified." insert:

"Any group of two or more employers in the same industry with combined assets of \$1,000,000 or any group of two or more municipal corporations may qualify as a self-insurer subject to all existing requirements contained in chapter 51.14 RCW. The director may grant authorization to become a member of such a group upon a reasonable showing by an employer of his solvency and financial stability to meet his obligations as a member of the group. An employer permitted to become a member of such a group shall execute a written agreement in which the employer agrees to jointly and severally assume and discharge any lawful award entered by the Department against any member of the group."

POINT OF ORDER

Senator Ridder: "I would indeed like to raise the question of scope and object on this amendment. It would make a major change in industrial insurance law to what is essentially a housekeeping bill which was requested by the Department of Labor and Industries. The bill deals with procedural aspects of making a self-insurance application and include self-insurers in the second injury fund. It does not deal with coverage for self-insurance. Presently, only individual employers can qualify for self-insurance if they are large enough to meet the financial requirements. This amendment would allow any group of employers to qualify for self-insurance and such a major change was not intended when the bill was introduced. Because of the nature of this major change in industrial insurance law, I ask that you rule the amendment outside the scope and object of the bill."

Debate ensued.

RULING BY THE PRESIDENT

The President: "The President believes, in replying to the point of order presented by Senator Ridder, that the amendment proposed by Senator Morrison on page 7, line 5, is also a substantive amendment in that it deals with the ability of a group of employers whose combined assets exceed one million dollars to self-insure. The President therefore believes that the amendment does expand the scope and object of the bill and the point of order raised by Senator Ridder is well taken."

The amendment by Senator Morrison was ruled out of order.

Senator Morrison moved adoption of the following amendment by Senators Keefe, Morrison and Donohue:

On page 5, beginning on line 22, add a section following section 6 as follows:

"Sec. 7. Section 51.12.020, chapter 23, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.

(3) A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors and partners.

(6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.

(7) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

(8) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW."

Renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Morrison yield to a question? Senator Morrison, I should have forewarned you of this question but I am concerned about a definition of the word 'jockey.' Is it your intent to include the exercise boys, the hot walkers, all the other people that are associated with the horse; or is it just the jockey who rides in the exercise and the race?"

Senator Morrison: "It was the intent to cover exclusively the jockey because the other people you have mentioned, Senator Bottiger, all have an employee-employer relationship with either the horseman or the horse owner or the track itself. It is the jockey that is in this exclusive area, gray area, and we feel that this continued coverage is not in the best interest of either the jockeys or certainly the tracks nor even the citizens of the state, who end up picking up part of the tab."

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

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

On page 7, line 6 after "may" delete "established sufficient" and insert "~~(established sufficient)~~ be required by the director to supplement existing"

Senator Morrison moved adoption of the following amendment:

On page 8, line 21, after "a" delete "satisfactory"

POINT OF INQUIRY

Senator Guess: "Would Senator Grant yield? Senator Grant, can you describe what satisfactory means?"

Senator Grant: "No, I think that would be up to the discretion of the Director, Senator Guess."

Senator Guess: "If you cannot make a determination, cannot in all your wisdom, Senator, how would you expect a bureaucrat to do it?"

Senator Grant: "We leave a great deal to the department and the director with regard to self-insurance, whether or not to accept an application for self-insurance in many instances, and I should think that if there is a continual history, Senator Guess, and I am not going to try to act as the director of the department in this case, but if there is a continual history of accidents within a self-insurer's work place, then the right to self-insure maybe should be put in jeopardy and the discretion ought to be there for the director."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Morrison yield to a question? Senator Morrison, I tend to agree with you. I do not know how you could prove a satisfactory record unless you had something to compare it to. If you had two people exactly alike, one had a lot of accidents, one did not, then obviously one would have an unsatisfactory record; but whether the other one would be satisfactory I do not know. But how about using instead, 'indicate inadequate program for accident prevention'?"

Senator Morrison: "Senator Bottiger, I think if you would read the rest of the language in sub (4) starting on line 18, and I will read this for the body, the new language 'he or she has'—and again, this is when the director is trying to determine whether someone should qualify as a self-insurer—he or she has demonstrated to the department the existence of a safety organization maintained by him or her within his or her establishment that indicates a satisfactory record of accident prevention."

Senator Bottiger: "Senator Morrison, I stand corrected. I had not . . ."

Senator Morrison: "I think, Senator Bottiger, that it requires a safety organization, that it is there and it is functioning, and the only thing I do not want to see someone denied self-insurance status just because there was an argument on a term that even Senator Grant decided we could not define here on the floor."

The motion by Senator Morrison carried and the amendment was adopted on a rising vote.

Senator Grant moved adoption of the following amendment:

On page 8, line 22, strike all material beginning with "He" on line 22 through "including" on line 24 and substitute the following:

"He or she has demonstrated to the department that an adequately trained and staffed administrative organization will be maintained within his or her establishment to manage industrial insurance matters including:"

POINT OF ORDER

Senator Clarke: "I raise the question of scope and object on this particular amendment and I am a little surprised that Senator Grant is presenting it in view of his objection to Senator Morrison's amendment which was in exactly the similar field, and that had to do with the substantive right of self-insurance. I think it is more or less common knowledge that at the present time many of the self-insurers maintain professional outside claim administrators and this would completely change the existing practice by prohibiting that and it certainly enlarges the scope and object identically with that that was presented by Senator Morrison and where the point was raised by Senator Grant."

RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Clarke finds that the amendment proposed by Senator Grant affects the ability of self-insuring Washington employers to utilize service companies. The President believes that consistent with his ruling on the amendment proposed by Senator Marsh and Senator Jones that the amendment proposed by Senator Grant would expand the scope and object of the bill. Therefore, the point of order is well taken."

The amendment by Senator Grant was ruled out of order.

On motion of Senator Morrison, the following amendments by Senators Lewis, Morrison and Ridder were considered and adopted simultaneously:

On page 9, line 34, strike "other employers" and insert "its customers"

On page 9, line 34, after "employer" strike "only"

On page 9, line 36, through line 1 on page 10, strike "for such other employers" and insert: "as determined by the department: PROVIDED, That the employer shall be liable for paying premiums and assessments, should the temporary help company fail to pay the premiums and assessments under this title"

On motion of Senator Morrison, the following amendments were adopted:

On page 11, line 19, after "department" strike "may" and insert "shall"

On page 15, line 5, after "or" strike "remove" and insert "((remove)) move

Senator Morrison moved adoption of the following amendment by Senator Mardesich:

On page 18, line 27 at the end of Sec. 23 insert:

"Sec. 24. Section 51.52.120, chapter 23, Laws of 1961 as amended by section 1, chapter 63, Laws of 1965 ex. sess. and RCW 51.52.120 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any ((workman)) worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the

award secured by the attorney's services. Such reasonable fee shall be fixed by the director for services performed by an attorney for such ((workman)) worker or beneficiary, prior to the notice of appeal to the board if written application therefor is made by the attorney, ((workman)) worker or beneficiary.

(2) If, on appeal to the board, the order, decision or award of the department is reversed or modified and additional relief is granted to a ((workman)) worker or beneficiary, or in cases where a party other than the ((workman)) worker or beneficiary, or in cases where a party other than the ((workman)) worker or beneficiary is the appealing party and the ((workman's)) worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before the board (~~if written application therefor is made by the attorney, workman or beneficiary~~). In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by said director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board. Any person who violates any provision of this section shall be guilty of a misdemeanor."

Renumber remaining sections accordingly.

POINT OF ORDER

Senator Marsh: "Mr. President, I raise the question of scope and object. Mr. President, this clearly is a very substantive amendment and you have already ruled that this is a procedural bill so I think the point is quite obvious it is beyond the scope and object."

RULING BY THE PRESIDENT

The President: "Senator Marsh has raised the point of order that the amendment does change the scope and object of the bill. The President agrees with the remarks by Senator Marsh. The amendment does change the scope and object of the bill. Therefore, the point is well taken."

The amendment by Senator Mardesich was ruled out of order.

Senator Morrison moved adoption of the following amendment:

On page 10, line 36, strike "((previous injury or disease)) cause whatsoever" and insert "previous injury or disease"

On motion of Senator Ridder, the amendment by Senator Morrison will be considered later.

Senator Grant moved the following amendments by Senators Hayner, Grant, Pullen and Rasmussen be considered and adopted simultaneously:

On page 12, section 13, line 17 after "made." insert a new section as follows:

"NEW SECTION. Sec. 14. Notwithstanding any other provision of this chapter, any public employee for whom a permanent total disability results from an injury caused by an intentional, malicious criminal act while in the performance of their official duties shall receive monthly during the period of such disability 80% of his wages, but not less than \$700 dollars per month."

Renumber remaining sections.

On page 13, section 14, line 16 after "therefrom." insert a new section as follows:

"NEW SECTION. Sec. 15. Notwithstanding any other provision of this chapter, any public employee for whom a temporary total disability results from an injury caused by an intentional, malicious criminal act while in the performance of

their official duties shall receive monthly during the period of such disability 80% of his wages but not less than \$700 dollars per month."

Renumber remaining sections.

POINT OF ORDER

Senator Ridder: "Reluctantly, Mr. President, I must say that I must raise the point of order of scope and object on this amendment."

The President: "Senator Ridder has raised the point of order that the two amendments change the scope and object of the bill. Are there any remarks on the point of order?"

Senator Ridder: "I would simply have to say that in line with your previous ruling as to the procedural nature of the bill, that this does indeed make a substantive change and it may very well be appropriate that it be a separate bill at a succeeding session."

RULING BY THE PRESIDENT

The President: "In ruling upon the point of order presented by Senator Ridder, the President finds that consistent to previous rulings involving amendments to Engrossed Substitute House Bill No. 604 that the two amendments proposed by Senator Hayner, Senator Grant, Senator Pullen, Senator Rasmussen are also substantive in nature and consequently do change the scope and object of the measure. Therefore, the point is well taken."

The amendments by Senators Hayner, Grant, Pullen and Rasmussen were ruled out of order.

Senator Grant moved adoption of the following amendment:

On page 13, after line 2 insert the following:

"Sec. 15. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 46, chapter ... (HB 49), Laws of 1977 1st ex. sess. and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium)	\$((+18,000.00)) <u>27,000.00</u>
Of leg at or above knee joint with functional stump	((+6,200.00)) <u>24,300.00</u>
Of leg below knee joint	((+4,400.00)) <u>21,600.00</u>
Of leg at ankle (Syme)	((+2,600.00)) <u>18,900.00</u>
Of foot at mid-metatarsals	((6,300.00)) <u>9,450.00</u>
Of great toe with resection of metatarsal bone	((3,780.00)) <u>5,670.00</u>
Of great toe at metatarsophalangeal joint	((2,268.00)) <u>3,402.00</u>
Of great toe at interphalangeal joint	((+200.00)) <u>1,800.00</u>
Of lesser toe (2nd to 5th) with resection of metatarsal bone	((+1,380.00)) <u>2,070.00</u>
Of lesser toe at metatarsophalangeal joint	((672.00)) <u>1,008.00</u>
Of lesser toe at proximal interphalangeal joint	((498.00)) <u>747.00</u>
Of lesser toe at distal interphalangeal joint	((+26.00)) <u>189.00</u>
Of arm at or above the deltoid insertion or by disarticulation at the shoulder	((+18,000.00)) <u>27,000.00</u>
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon	((+7,100.00)) <u>25,650.00</u>

Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand	((16,200.00))	<u>24,300.00</u>
Of all fingers except the thumb at metacarpophalangeal joints	((9,720.00))	<u>14,580.00</u>
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone	((6,480.00))	<u>9,720.00</u>
Of thumb at interphalangeal joint	((3,240.00))	<u>4,860.00</u>
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	((4,050.00))	<u>6,075.00</u>
Of index finger at proximal interphalangeal joint	((3,240.00))	<u>4,860.00</u>
Of index finger at distal interphalangeal joint	((1,782.00))	<u>2,673.00</u>
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	((3,240.00))	<u>4,860.00</u>
Of middle finger at proximal interphalangeal joint	((2,592.00))	<u>3,888.00</u>
Of middle finger at distal interphalangeal joint	((1,458.00))	<u>2,187.00</u>
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	((1,620.00))	<u>2,430.00</u>
Of ring finger at proximal interphalangeal joint	((1,296.00))	<u>1,944.00</u>
Of ring finger at distal interphalangeal joint	((810.00))	<u>1,215.00</u>
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	((810.00))	<u>1,215.00</u>
Of little finger at proximal interphalangeal joint	((648.00))	<u>972.00</u>
Of little finger at distal interphalangeal joint	((324.00))	<u>486.00</u>

MISCELLANEOUS

Loss of one eye by enucleation	((7,200.00))	<u>10,800.00</u>
Loss of central visual acuity in one eye	((6,000.00))	<u>9,000.00</u>
Complete loss of hearing in both ears	((14,400.00))	<u>21,600.00</u>
Complete loss of hearing in one ear	((2,400.00))	<u>3,600.00</u>

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be ((thirty)) forty-five thousand dollars: PROVIDED, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ((thirty)) forty-five thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve

of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds ~~((three))~~ four times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to ~~((three))~~ four times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured worker the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a worker all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title."

Renumber the following sections consecutively and correct internal references accordingly.

Debate ensued.

POINT OF ORDER

Senator Clarke: "I do raise the question of scope and object. It is quite obvious from the remarks of both Senators Grant and Francis that this is a most substantive bill, and without speaking to the issue of the bill itself, I think we would all agree that the only proper procedure to be followed in the Senate to be sure that all issues are given proper consideration is to abide by the usual scope and object question so that when matters of real import or matters which in reality the members have not been alerted to as coming up stand on their own feet and do not come in through the back door where very substantive legislation is endeavored to be placed before the body by amendment to a completely unrelated bill."

Debate ensued.

REMARKS BY SENATOR CLARKE

Senator Clarke: "I want to make the additional point that as evidenced by the other Senators who have spoken, the proposed amendment is substantially identical to another bill and for that reason is also out of order."

Further debate ensued.

RULING BY THE PRESIDENT

The President: "In ruling upon the point of order presented by Senator Clarke, the President believes that Engrossed Substitute House Bill No. 604 is merely a

measure to clarify and streamline enforcement of the present industrial insurance law and does this by making a number of procedural changes in that law. The President believes that consistent with his ruling on previous amendments that the amendment proposed by Senator Grant is substantive in nature in that it increases compensation to be received by workmen suffering permanent partial disabilities by approximately fifty percent in each instance. Therefore, the point is well taken and the amendment does change the scope and object of the bill."

The amendment by Senator Grant was ruled out of order.

The Senate resumed consideration of the following amendment by Senator Morrison moved for adoption earlier today:

On page 10, line 36, strike "~~((previous injury or disease))~~ cause whatsoever" and insert "previous injury or disease"

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

On motion of Senator Morrison, the following amendment by Senators Keefe, Morrison and Donohue to the title was adopted:

On page 1, line 11 of the title, after "RCW 51.08.178;" and before "amending" insert "amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 and RCW 51.12.020;"

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute House Bill No. 604, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Lewis, Senator Scott was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 604, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 1; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Voting nay: Senator Francis—1.

Excused: Senators Buffington, Donohue, Fleming, Hayner, Mardesich, McDermott, Newschwander, Pullen, Scott, Woody—10.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 604, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Keefe, Engrossed Substitute House Bill No. 604, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3, by Committee on Revenue (originally sponsored by Representatives Kilbury, Boldt and Oliver):

Taxing federal nuclear power generators.

The Senate resumed consideration of Substitute House Bill No. 3. On June 9, 1977, the amendment to page 2, beginning on line 13 by the Committee on Ways

and Means was adopted. Senator Bottiger moved the amendment to page 5, beginning on line 20 by the Committee on Ways and Means not be adopted.

Debate ensued.

Senator Odegaard moved the amendment to page 5, beginning on line 20 be adopted.

The motion by Senator Odegaard carried and the amendment was adopted on a rising vote.

On motion of Senator Odegaard, the amendments to page 5, lines 30 and 33 by the Committee on Ways and Means were adopted.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Newschwander:

On page 6, after line 1, add sections as follows:

"NEW SECTION. Sec. 8. The legislature finds and declares that the existing drought conditions and shortage of hydroelectric power have caused severe economic impact on electric utilities and their customers in obtaining sufficient quantities of electric power and energy from other sources, which has or will necessitate the imposition of purchased power surcharge or cost adjustments in addition to the existing rate schedules of such utilities. Because of the drought conditions and shortage of hydroelectric power, which has caused severe economic impact on electric utilities and their customers in obtaining sufficient quantities of electric power and energy from other sources, the legislature further finds that such cost adjustments or surcharge arising out of the increased cost of purchasing necessary power to meet the needs of the electrical utilities and their customers, should not be taxed by the state or any local subdivision thereof.

NEW SECTION. Sec. 9. Notwithstanding any other provision of law, if an economic condition exists as provided in section 8 of this amendatory act which does necessitate the imposition of purchased power surcharge or cost adjustments in addition to the existing rate schedules charged such utilities; neither the state or any local subdivision thereof shall impose a tax or fee thereon.

NEW SECTION. Sec. 10. There is added to chapter 15, Laws of 1961 and to chapter 82.16 RCW a new section to read as follows:

In addition to the deductions provided for in RCW 82.16.050, in computing tax there may be deducted from gross income by persons in the light and power business, the following item: Amounts derived from the sale of electrical energy other than for resale equal to the cost of electrical energy purchased from others, but excluding electrical energy generated by the United States, which for any reporting period under RCW 82.16.070 exceeds the average of the total cost of such purchased electrical energy for the same period in the prior two years, but not to exceed the amount of total additional charge to customers, or other authorized temporary increase in total charge for electrical energy to customers, on account of such purchased electrical energy.

NEW SECTION. Sec. 11. Sections 8 through 10 of this amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. The provisions of sections 8 through 10 of this amendatory act shall expire on July 1, 1978, and thereafter shall be null and void and of no further force and effect whatsoever."

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, I intend to raise the point of scope and object on the Rasmussen-Newschwander amendment and I want to make sure that I do not give up that right by offering an amendment to the amendment."

REPLY BY THE PRESIDENT

The President: "The President believes that if you wish to raise the point of scope and object on the amendment that you should do it prior to any action."

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the Rasmussen-Newschwander amendment expands the scope and object of House Bill 3.

"House Bill 3 is a bill that pertains to one subject and a very narrow one at that. It pertains to the in lieu of property taxes collected on a federal reservation on which is located a thermal electric generating facility. In order to provide the purpose of House Bill 3, it is necessary to amend the Title 54 Public Utility District in lieu of taxes which are found in 54.28.010 and the concluding section. Senator Rasmussen's amendment goes to an excise tax that applies to all generating facilities, no matter whether private or public, no matter whether they are on a military reservation or not, and no matter whether they are thermal electric or not. And to make that amendment it is necessary to go the public utility excise tax statutes found in Chapter 82.16.050. In addition, the House Bill 3 is a permanent bill applying to future distribution of the in lieu of property tax bill, whereas the Rasmussen-Newschwander amendment is a singular subject dealing with surcharge taxes, again, for all utility districts of any kind, no matter where situated and no matter whether public or private. I would suggest that the Newschwander-Rasmussen amendment substantially expands the scope and object and purpose of House Bill 3."

RULING BY THE PRESIDENT

The President: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Substitute House Bill 3 deals only with the taxation of federal nuclear powered generators. The amendment proposed by Senator Rasmussen and Senator Newschwander deals with the taxation of all power and light companies and with the taxation of the customers of those companies by either the state or any unit of local government. Therefore, the President finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Rasmussen and Newschwander was ruled out of order.

On motion of Senator Odegaard, the rules were suspended, Substitute House Bill No. 3, as amended by Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3, amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 4; absent or not voting, 1; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Odegaard, Peterson, Rasmussen, Rohrbach, Sandison, Sellar,

Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—34.

Voting nay: Senators Grant, Murray, North, Ridder—4.

Absent or not voting: Senator Gaspard—1.

Excused: Senators Buffington, Donohue, Fleming, Hayner, Mardesich, McDermott, Newschwander, Pullen, Scott, Woody—10.

SUBSTITUTE HOUSE BILL NO. 3, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 912, by Committee on Local Government (originally sponsored by Representatives Lee, North, Whiteside and Paris):

Establishing disposition procedures for unclaimed personal property.

The bill was read the second time by sections.

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

On page 5, line 28, after "exceeds" strike "thirty-five" and insert "fifty"

Senator Grant moved adoption of the following amendment:

On page 6, line 11, after "may" strike the balance of the section and insert:

"Provide an alternative method for the disposition of lost or unclaimed personal property, if in the judgment of the legislative body such method is preferable to the procedures provided for in this act."

Debate ensued.

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

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

On page 6, line 32, strike "An" and insert "Unless permitted by official action of the governing body of a governmental entity or special district, an"

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

On page 6, line 13, after "make out" insert "his or her"

On motion of Senator North, the rules were suspended, Substitute House Bill No. 912, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 912, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Excused: Senators Buffington, Donohue, Fleming, Hayner, Mardesich, McDermott, Newschwander, Pullen, Scott, Woody—10.

SUBSTITUTE HOUSE BILL NO. 912, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORT OF CONFERENCE COMMITTEE

June 15, 1977.

Mr. Speaker:
Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, changing the requirements for real estate licenses, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the Senate amendments to page 9, line 14 and page 9, line 15 be adopted;

That the Senate amendment to page 9, line 22, be not adopted, and the following amendment be substituted:

On page 9, line 22, after "RCW 18.85.010" insert "; nor, (5) any owner of rental or lease property, members of the owner's family whether or not residing on such property, or a resident manager of a complex of residential dwelling units wherein such manager resides; nor, (6) any person who manages residential dwelling units on an incidental basis and not as his principal source of income so long as that person does not advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged."

On page 9, following section 9, add a new section as follows:

"NEW SECTION. Sec. 10. The department of motor vehicles shall undertake a study of chapter 18.85 RCW and submit recommendations to the legislature at its first meeting after January 1, 1978, for revisions to the statutes regulating the real estate industry. The examination shall determine the most appropriate means of regulating commercial and residential property managers, sales personnel, developers and other appropriate phases of the industry. The department shall coordinate its review with any interim study efforts by the senate and house commerce committees."

Signed by: Senators Van Hollebeke, Morrison and Bottiger; Representatives Greengo and Eng.

MOTION

Senator Bottiger moved the report of the Conference Committee be adopted and the committee be granted the powers of Free Conference on Engrossed Substitute House Bill No. 446.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield to a question? Senator Bottiger, on the proposed change, this has to do with managing apartments, that a person does not advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged. Would a printed sign saying 'Manager' be in conflict with this proposed law?"

Senator Bottiger: "Senator Rasmussen, you will notice, reading up above, that we permit the owner to allow someone who is not a resident of his property. Now, obviously, the sign on the resident manager's door would not be holding himself out as being available to be hired by others to do this for other people. That is what the intent of the language is and perhaps Senator Morrison might help me on it. I am trying to interpret your question."

Senator Rasmussen: "I want to get the intent of what you mean."

Senator Bottiger: "The intent would not be to prohibit somebody from having 'Manager' on his door. The intent would be to prohibit somebody from soliciting for other business by putting up a sign saying 'I am willing to manage your property.' What we are after is permitting people to do this on an incidental basis where you take care of my house when I am out of town, collect the rent, pay the mortgage, fix the drippy faucet, but not that we permit you to go into business doing that without being bonded or licensed under another provision of the chapter."

Senator Rasmussen: "Thank you."

The motion of Senator Bottiger carried and the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 446.

REPORT OF CONFERENCE COMMITTEE

June 19, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred HOUSE CONCURRENT RESOLUTION NO. 32, adopting joint rules for the Forty-fifth Legislature, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to recommend the following:

That the following Senate amendments be adopted:

On page 8, line 17, strike "HOW MADE UP" and insert "CONFERENCE COMMITTEE APPOINTEES"

On page 8, beginning on line 18, strike Rule 8 and insert:

"RULE 8. The presiding officer of each house shall appoint on ((such)) each conference committee three members, selecting them so as to represent, in each case, ((the attitude of)) the majority and minority positions as relates to the subject matter and to the extent possible the majority and minority political parties, upon the differences between the houses."

On page 8, amend Rule 9 as follows:

On line 33, after "resolution" and before the period insert "and such report must have the signatures of five of the six members of the committee"

On page 9, strike Rule ((9)) 10 and insert:

"FREE CONFERENCE COMMITTEE"

Rule ((9))10. ((In case of failure of the conferees to agree on matters directly at issue between the two houses, a report of the items of such disagreement including new proposed items within the scope and object of the title of the bill in conference shall be made and)) Upon request for free conference the power of free conference may be granted ((to)) by the two houses ((either)) to the same committee, ((or the committee may be discharged and a new committee appointed with the power of free conference,)) to whom only ((items of disagreement or new items approved by one house in the disputed bill or resolution)) the proposed free conference report may be committed, or the committee may be discharged and a new committee appointed with the power of conference, as defined in Joint Rule 7 ((; and)). The report of the committee on free conference ((may report by new bill or resolution or otherwise, and bills or resolutions so reported)) shall be acted upon in the same manner as provided for reports of conference committees. ~~((; PROVIDED; That the house and senate shall have thirty-six hours from the time of receipt in the house originating the conference request to consider reports from a free conference committee and shall not vote thereon until the thirty-six hour period shall have elapsed except that with respect to budget and appropriations and revenue and tax measures, the required interval shall be twenty-four hours: PROVIDED FURTHER, That irrespective of any rule herein or any rule of either the senate or the house of representatives, the foregoing provisions relating to thirty-six and twenty-four hour intervals will not be suspended unless the legislature shall otherwise direct by a two-thirds vote of all of the members elected to each house. Simultaneously with receipt of the report a copy of said report shall be placed upon the desk of each member of the legislature)).~~ The report of a free conference committee must have the signatures of five of the six members of the committee."

On page 19, line 12, after "~~deletions~~" strike ";" and insert "((;), and"

And that the remaining Senate amendments be not adopted.

And that there also be added the following amendments:

On page 8, line 16, Rule 7, after "~~report~~")" and before the period insert "PROVIDED, HOWEVER, That in the event five members of the conference committee cannot agree on a request for a free conference report a majority of the conference committee members of each house may report that the committee cannot agree and request the appointment of another committee"

On page 11, Rule 12, line 4, after "~~report~~" insert "PROVIDED, That the senate and house, within their own bodies, can suspend the reading of a report in full."

On page 17, line 18, strike all the matter down through line 22 and insert:

"With reference to the studies and investigations to be undertaken, each (~~special legislative interim~~) standing committee may only study subjects, areas and problems assigned to such (~~legislative interim study and fact finding committees~~) committee by the respective house or by the rules committees of the respective house."

On page 19, beginning on line 10, strike "~~to be ratified only while the legislature is convened in session~~" and insert "((to be ratified only while the legislature is convened in session))"

Signed by: Senators Walgren, Clarke and Marsh; Representatives King and Berentson.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on House Concurrent Resolution No. 32.

MESSAGE FROM THE HOUSE

June 19, 1977.

Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 1284, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 18, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1284, as amended by the Senate, allowing transactions respecting University of Washington metropolitan tract to encompass time sequence of 60 years from December 31, 1980, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Mardesich and Van Hollebeke; Representatives Erickson, Sommers and Newhouse.

MOTION

Senator Jones moved the report of the Free Conference Committee on House Bill No. 1284 be adopted.

POINT OF INQUIRY

Senator Grant: "Would Senator Jones yield? Senator Jones, I have not had an opportunity to read this. Would you explain how the Mardesich amendment was treated again?"

Senator Jones: "The Mardesich amendment was unlimited in the sense that it would allow all books and records or any records pertaining to any lessee or sublessee, which seemed a bit much. This would mean that records that had absolutely nothing to do with this transaction would be open to review. And, of course, under this kind of restriction it would be very difficult to obtain a lease. We have, in the amendment, which is on the report in front of you, Senator Grant—do you want one? Now I do not have one."

The motion by Senator Jones carried and the report of the Free Conference Committee on House Bill No. 1284 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1284, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Monohon, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Excused: Senators Buffington, Donohue, Fleming, Hayner, Mardesich, McDermott, Newschwander, Pullen, Scott, Woody—10.

HOUSE BILL NO. 1284, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, all bills passed by the Senate today were ordered immediately transmitted to the House.

MOTION

At 4:37 p.m., on motion of Senator Walgren, the Senate recessed until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

MOTION

At 7:01 p.m., on motion of Senator Marsh, the Senate was declared to be at ease subject to the Call of the President.

The President called the Senate to order at 7:00 p.m.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3054.

MESSAGES FROM THE HOUSE

June 19, 1977.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2419,

SUBSTITUTE SENATE BILL NO. 2558,

SENATE BILL NO. 2825, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 19, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 312, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 19, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 1348, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 19, 1977.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE HOUSE BILL NO. 388, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 312,

SECOND SUBSTITUTE HOUSE BILL NO. 388,

SUBSTITUTE HOUSE BILL NO. 1348.

MOTIONS

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

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

- 1977-89 Study, reservations of campsites in state parks
- 1977-90 Study, additional boat launching facilities, southern Puget Sound
- 1977-91 Study, additional boat launching facilities, northern Puget Sound
- 1977-92 Study, written guide of recreation sites
- 1977-93 Study, driving on ocean beaches
- 1977-94 Study, evaluate need for improved parks, sports and recreational facilities
- 1977-95 Study, textbook disposal system
- 1977-98 Study, biennial state capital budget requirements
- 1977-99 Study, budgetary, revenue/taxation, general government
- 1977-101 Study, revision to Title 51 RCW
- 1977-103 Study, establishment of bottle and can redemption centers
- 1977-104 Study, effectiveness of State Environmental Policy Act of 1971
- 1977-105 Study, existing state planning agency, state law and justice planning office
- 1977-106 Study, existing planning agency, state law, effective administration criminal law in state
- 1977-108 Study, industrial insurance system

MOTION

Senator Walgren moved adoption of the following resolution:

SENATE RESOLUTION 1977-97

By Senator Mardesich:

WHEREAS, Hospital and medical costs have been increasing at a more rapid rate than other goods and services; and

WHEREAS, The Federal Government has expressed concern and has proposed certain approaches to containing the costs of hospital and medical costs; and

WHEREAS, The cost of the Washington State Employee Insurance Program has increased rapidly in recent years; and

WHEREAS, State employees have a selection of health plans which provide different benefits for different costs;

NOW, THEREFORE, BE IT RESOLVED, That the President of the Senate appoint a committee of five members to be called the State Employee Insurance Plan Review Committee; and

BE IT FURTHER RESOLVED, That the committee shall direct a technical review and analysis of the employee insurance program experience, including premiums paid, claims, reserves and retentions, cost controls, and adequacy of the existing benefit structure. The committee shall retain such professional services as are necessary for the review; and

BE IT FURTHER RESOLVED, that the committee propose recommendations prepared for the Senate to be submitted by January 1, 1978 with respect to the benefit program, costs, adequacy, reasonableness, design, and whether any part of the program should be self-insured. There is hereby appropriated a sum of \$25,000.00 for the study.

On motion of Senator Walgren, the following amendments were considered and adopted simultaneously:

On page 1, line 9, after "Senate" insert ", upon recommendation of the majority leader,"

On page 1, line 16, after "review" insert "upon approval of the Senate Facilities and Operations Committee"

On page 1, line 20, strike everything after "self-insured." through "study." on line 21

The motion by Senator Walgren carried and the resolution, as amended, was adopted.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1977-100.

Senator Goltz moved adoption of the following resolution:

SENATE RESOLUTION 1977-100

By Senators Goltz, Bluechel and North:

WHEREAS, The Alaska Native Claims Settlement Act of 1971 not only granted the Natives title to land, but also authorized consideration of new national parks, wildlife refuges, forests and wild and scenic rivers; and

WHEREAS, Key federal lands in Alaska were withdrawn from development until December, 1978, pending Congressional action which would give them permanent protection; and

WHEREAS, Included in these lands are 125 million acres of the most wondrous and ecologically sensitive wilderness on our Continent; and

WHEREAS, It is now the responsibility of the 95th Congress to determine the status of these lands and to provide for their inclusion into our national conservation systems; and

WHEREAS, Legislation to insure the survival of America's last great wilderness is pending in the 95th Congress, the Alaska National Interest Lands Conservation Act (ANILCA), which would add nearly 115 million acres in 51 units to four national conservation systems.

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington, urges the Congress to pass legislation ensuring the continued protection of National Interest Lands in Alaska so that future generations of Americans may enjoy the great and unique wildlife, wilderness, scenic, recreational and scientific values found on Alaska's public lands; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POINT OF INQUIRY

Senator Day: "Would Senator Goltz yield? Senator Goltz, I happened to catch that program on TV and I noted that the debate seemed to be whether they were going to set aside one hundred and twenty-five million acres and not let anybody do anything with any part of it other than for recreational purposes. Now, is it not true that timber resources there, if not harvested, will fall down and rot and wouldn't it be a better method to approach this by allowing them to do certain things with rigid restrictions of reforestation, replacing surface situations in mining, etc., rather than to just have the whole thing set aside as a total loss?"

Senator Goltz: "It is my understanding, Senator Day, that of the land in question that there would be eighteen million acres which would be set aside for logging and mining purpose that it would not restrict the entire amount for all kinds of activities. I think the resolution is an attempt to say that we should, before we open up all of that territory, be very careful as to how it is opened. I have no quarrel whatsoever with the idea of multiple use or setting aside some of this land for development, but I think the publicity that I saw yesterday was somewhat misleading to the effect that it was to build a fence around the one hundred twenty-five million acres, and that is not what I understand this legislation to do."

Debate ensued.

MOTION

Senator Newschwander moved that Senate Resolution 1977-100 be referred to the Committee on Rules.

Debate ensued.

The motion by Senator Newschwander carried and Senate Resolution 1977-100 was referred to the Committee on Rules.

MOTION

On motion of Senator Walgren, Senate Resolution 1977-102, non-involvement politically of OPP&FM in Washington magazine, was referred to the Committee on Rules.

MOTION

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

REPORT OF CONFERENCE COMMITTEE

June 18, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 318, as amended by the Senate, permitting owners of property subject to condemnation proceedings to give the property to governmental unit involved, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

We recommend that the Senate amendments to page 3, after line 13, inserting new sections Sec. 2, 3 and 4, be not adopted; and that the following Senate amendment be adopted:

On page 1, line 12, after "agency" strike "may" and insert "shall"

We further recommend the following additional amendments:

On page 3, after line 13, insert new sections as follows:

"NEW SECTION. Sec. 2. Private property shall not be taken for public or private use without proof that the taking is necessary for the public health, safety, or welfare and without proof by a preponderance of evidence that all the property attempted to be taken is needed to accomplish the purpose of such taking and just compensation having first been made or paid to a court for the private property owner. For the purpose of this 1977 amendatory act amortization shall not be considered to be just compensation.

NEW SECTION. Sec. 3. The legislature hereby finds that the doctrine of public trust does not exist within the state of Washington. However, if by state judicial decision, the doctrine of public trust is found to exist, such interests of the public shall be considered to be protected and maintained through the enactment and enforcement of zoning-type control measures.

NEW SECTION. Sec. 4. There is added to Chapter 58.17 RCW a new section to read as follows:

As limited herein, any county may adopt an ordinance which permits the owner of real property to transfer by deed a portion of the real property on which the owner resides to his or her child or children without complying with all or part of the requirements of the county subdivision or short subdivision ordinances: PROVIDED, That such transfer shall comply with all applicable state or local zoning, health, and other regulations which are not contained in, or adopted pursuant to the provisions of, Chapter 58.17 RCW. Such an ordinance shall at least contain the following restrictions and provisions but may contain further restrictions or provisions which in the determination of the county legislative authority will safeguard the integrity of the county comprehensive plan, growth policies, any zoning ordinances or other land use control measures, and any other policies of the county:

(1) No person may receive any interest in more than one parcel of real property pursuant to the provisions of this section.

(2) Every parcel of real property which is transferred pursuant to the provisions of this section may only be transferred for and used for single family dwelling homesite purposes which shall include no more than one single family dwelling unit and necessary and related out buildings on each parcel so transferred.

(3) Each lot which is divided and transferred pursuant to the provisions of this section shall not be less than one acre and not more than ten acres, or if the county has adopted a zoning control ordinance which includes a minimum lot size, then each lot transferred pursuant to the provisions of this section shall not be less than the size of the permissible minimum lot size.

(4) If either the remaining parcel of real property which is retained by the original owner as a result of a division and transfer pursuant to the provisions of this section, or any parcel or parcels which were so divided and transferred, are further subdivided or short subdivided in any manner during five-year period immediately following the original division and transfer, such original division and transfer shall be null and void and shall be considered to be part of the subsequent division of property which shall be subject to the county subdivision or short subdivision ordinances which are in force at the time of such subsequent division.

(5) Each county legislative authority which adopts an ordinance permitting the transfer of real property pursuant to the provisions of this section shall provide for a system of keeping records related to such transfers. Such records shall include, but not be limited to, a general description of both the parcel or parcels which were transferred and the real property from which such parcel or parcels were divided, the names of all persons having an interest in the real property from which such parcel or parcels were divided and the name or names of the child or children to whom such parcels are transferred."

In the title, strike everything after "AN ACT" and insert: "Relating to real property; amending section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26-.180; creating new sections; and adding a new section to chapter 58.17 RCW."

Signed by: Senators Rasmussen, Newschwander and Gaspard; Representatives Hansen and Lee.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 318.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Francis moved the Senate reconsider adoption of the Conference Committee report on Substitute House Bill No. 318 and granting the powers of Free Conference.

Debate ensued.

POINT OF ORDER

Senator Rasmussen: "The point of order on de facto Senator Francis. A new one that I have never heard before. That he would at this stage of the game say that he had voted on the prevailing side because he failed to vote. I think that that is a very unusual position to take. The powers of free conference were granted and I

Debate ensued.

Senator Rasmussen: "Mr. President, I did not raise any question of inpuing Senator Francis's motives and what Senator Bottiger is saying that he quite frequently does not vote, he does when he is here and he is here quite frequently, but I did raise a point of order because he was here and the powers of free conference were granted on the motion of Senator Walgren and it was passed, so I do not think he has any right to raise the reconsideration at this time."

Further debate ensued.

RULING BY THE PRESIDENT

The President: "The Secretary advises the President that your remarks are correct, Senator Francis. Therefore, the President must assume that every person on the

floor voted in the affirmative on the motion. Therefore, the question before the Senate is the motion by Senator Francis that the Senate reconsider the vote by which the report of the conference committee on Substitute House Bill No. 318 was adopted and the powers of Free Conference granted."

MOTION

On motion of Senator Clarke, the motion for reconsideration by Senator Francis on Substitute House Bill No. 318 Conference Committee report was ordered held for later consideration.

MOTION

On motion of Senator Peterson, Senator Odegaard was excused.

MESSAGE FROM THE HOUSE

June 19, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 446, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 15, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, changing the requirements for real estate licenses, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Van Hollebeke, Morrison and Bottiger; Representatives Greengo and Eng.

MOTION

On motion of Senator Bottiger, the report of the Free Conference Committee on Engrossed House Bill No. 446 was adopted.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 446, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 2; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Francis, Gaspard, Goltz, Gould, Grant, Guess, Henry, Herr, Jones, Lewis, Marsh, McDermott, Monohon, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Absent or not voting: Senators Keefe, Matson—2.

Excused: Senators Buffington, Donohue, Fleming, Hayner, Mardesich, Odegaard, Pullen, Scott, Woody—9.

ENGROSSED HOUSE BILL NO. 446, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

June 19, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1284, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 19, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 912, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 14, 1977.

Mr. President: The House has passed: SECOND SUBSTITUTE SENATE BILL NO. 2232 with the following amendments:

Beginning on page 1, line 7, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature finds that it is in the public interest to herein provide for certain remedial educational services which will aid school students to continue in the traditional school programs and assist those students who have dropped out.

NEW SECTION. Sec. 2. (1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

Educational clinic means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the state board of education according to rules and regulations promulgated for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an educational clinic shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.04.120.

(3) The state board of education shall certify an education clinic only upon application and (1) determination that such school comes within the definition thereof as set forth in subsection (1) above and (2) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a clinic fails to provide adequate instruction in basic academic

skills. No educational clinic certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.01.060 or a private school for the purposes of RCW 28A.02.201 through 28A.02.250.

NEW SECTION. Sec. 3. Only eligible common or private school dropouts shall be enrolled in a certified educational clinic for reimbursement by the superintendent of public instruction as provided in section 5 of this 1977 act. No person shall be considered an eligible common school dropout who (1) has completed high school, (2) has passed his eighteenth birthday, or (3) until three months has passed after he or she has dropped out of any common or private school, unless such clinic has been requested to admit such person by written communication of the board of directors or the superintendent of that school or unless such person is unable to attend a particular school because of disciplinary reasons, including suspension and/or expulsion therefrom.

NEW SECTION. Sec. 4. The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: **PROVIDED**, That such individual shall be placed with the class he would be in had he not dropped out and graduate with that class, if his ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified educational clinic student, upon completion of an individual student program and irrespective of age, shall be eligible to take the general educational development test as given throughout the state.

NEW SECTION. Sec. 5. From funds appropriated for that purpose, the superintendent of public instruction shall pay to a certified clinic on a monthly basis for each student enrolled in compliance with section 3 of this 1977 act, fees in accordance with the following conditions:

(1) (a) The fee for the initial diagnostic procedure shall be fifty dollars per student, and hourly fees for each student shall be sixteen dollars if the class size is no greater than one, ten dollars if the class size is at least two and no greater than five, and five dollars if the class size is at least six: **PROVIDED**, That revisions in such fees proposed by an education clinic shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect: **PROVIDED FURTHER**, That an education clinic may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision.

(b) Absences will be paid for, but after three consecutive absences or two unexcused absences in any one week, the student's enrollment will be terminated and no further fees will be payable: **PROVIDED**, That students may be re-enrolled at any time.

(c) No clinic shall make any charge to any student, or his parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those clinic(s) which have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit clinics the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such clinic, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the clinics of the date after which further funds for reimbursement of the clinics' services will be exhausted.

NEW SECTION. Sec. 6. In accordance with chapter 34.04 RCW, the administrative procedure act, the state board of education with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules and regulations to carry out the purpose and intent of this chapter.

Criteria as promulgated by the state board of education or superintendent of public instruction for determining if any educational clinic is providing adequate instruction in basic academic skills or demonstrating superior performance in student educational gains for funding under section 5 of this 1977 act shall be subject to review by four members of the legislature, one from each caucus of each house, including the chairpersons of the respective education committees.

NEW SECTION. Sec. 7. Sections 7 through 13 of this act shall be known and cited as "The Transitional Bilingual Instruction Act of 1977". The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. Experience has shown that classes which are taught in English are inadequate to meet the needs of these children. The legislature finds that a bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of this act to provide for the implementation of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts to meet the extra costs of these programs.

NEW SECTION. Sec. 8. As used in this act, unless the context thereof indicates to the contrary:

(1) "Bilingual instruction" means a system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in both languages of instruction. Concepts and information are introduced in the primary language and reinforced in the second language.

(2) "Primary language" means the language first acquired for usage in the home.

(3) "Eligible pupil" means any enrollee of a school district where there are at least fourteen or more additional enrollees who have the same primary language other than English and whose English language skills are sufficiently deficient or absent to impair learning when taught only in English: PROVIDED, That eligible pupils shall receive no more than three years of state funded bilingual instruction. The pupil shall be transferred to the normal English language program when annual tests indicate the necessary competency.

NEW SECTION. Sec. 9. Every school district board of directors shall:

(1) Make available to each eligible pupil bilingual instruction in accord with rules of the superintendent of public instruction.

(2) Appoint and maintain an advisory committee of bilingual teachers and parents whose children are in the bilingual instruction program, excepting those school districts wherein fewer than fifty eligible pupils are enrolled in such bilingual education program. Where fewer than fifty eligible pupils are enrolled, parental involvement shall be sought.

(3) Wherever feasible, school officials shall ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(4) Annually determine the number of eligible pupils enrolled in the school district in accord with methods prescribed by rules of the superintendent of public instruction.

NEW SECTION. Sec. 10. The superintendent of public instruction shall prepare and issue prior to September, 1977, program development guidelines to assist school districts in preparing their programs. Rules for implementation of this bilingual instruction act shall be promulgated by the superintendent of public instruction in accordance with chapter 34.04 RCW no later than May 15, 1978.

NEW SECTION. Sec. 11. The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs. Moneys appropriated by the legislature for the purposes of this act shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program; priorities for funding shall exist for the early elementary grades.

NEW SECTION. Sec. 12. The state board of education shall modify current regular and special certification rules to ensure that adequate provisions exist for certification of teachers of bilingual instruction.

NEW SECTION. Sec. 13. Section 9 of this act shall take effect September 1, 1978.

NEW SECTION. Sec. 14. Sections 2 through 12 of this 1977 act are added to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof.

NEW SECTION. Sec. 15. If any provision of this 1977 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

On line 1 of the title after "education;" and before "providing" insert "providing for certain remedial educational services;"

On line 3 of the title after "clinics;" and before "creating" insert "providing for bilingual instruction in the common schools;"

On line 3 of the title after "sections;" and before "adding" delete "and"

On line 5 of the title after "thereof" and before the period insert "; and making effective dates", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator McDermott moved the Senate concur in the House amendments to Second Substitute Senate Bill No. 2232.

POINT OF ORDER

Senator Clarke: "Mr. President, I raise the question of scope and object on that amendment that relates to bilingual education."

RULING BY THE PRESIDENT

The President: "In ruling upon the point of order raised by Senator Clarke, the President finds that Second Substitute Senate Bill No. 2232 deals solely with the certification and operation of educational clinics. The President further finds that the House floor amendment offered by Representative Boldt and others is a striking

amendment which adds to Second Substitute Senate Bill 2232 several sections relating to a mandated program of bilingual instruction in all schools. The President therefore finds that the House floor amendment expands the scope and object of Second Substitute Senate Bill 2232 and the point of order raised by Senator Clarke is well taken. Pursuant to Senate Rule 60, the measure is referred to the Senate Committee on Ways and Means."

MOTION FOR RECONSIDERATION

The Senate resumed consideration of the motion for reconsideration by Senator Francis. Earlier today, Senator Francis moved the Senate reconsider the vote by which the Conference Committee report on Substitute House Bill No. 318 was adopted and the committee granted the powers of Free Conference.

MOTION

Senator Rasmussen moved the Senate not reconsider adoption of the Conference Committee report on Substitute House Bill No. 318, on reconsideration. Debate ensued.

POINT OF ORDER

Senator Goltz: "Mr. President, listening to the argument on both sides, it seems that what Senator Rasmussen has described is an expansion of the scope and object of the bill by the conference committee report, and I wonder if you would rule upon that particular point of order.

"In listening to the arguments on this bill, it seemed to me that Senator Rasmussen, by his explaining the bill, clearly stated that the action they took expanded the scope and object of the bill and I would like to raise that as a point of order."

RULING BY THE PRESIDENT

The President: "The President believes, first of all, that the remarks expressed by Senator Ted Bottiger are correct in the sense that such a motion would be untimely at this time. The President wishes to point out that the Senate has confirmed the conference committee to confer with the House on Substitute House Bill No. 318. This committee has reported back and requested that their report be adopted and the powers of free conference be granted. The President does not believe that any bill necessarily has been presented to the Senate with amendments. Therefore, the President does not believe that a point of order pertaining to subject and object is proper at this time. The President believes it is up to the Senate to determine whether or not they wish to adopt the report and to grant the powers of free conference. The President believes that the Senate Rules are based on this particular prerogative of the conference committee."

The motion for reconsideration by Senator Francis carried on a rising vote.

The President declared the question before the Senate to be the positive motion by Senator Rasmussen that the Senate do adopt the report of the Conference Committee on Substitute House Bill No. 318, on reconsideration, and the committee be granted the powers of Free Conference.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "The body has indicated by the previous vote that they were unhappy with that Section 3. Now the conference committee can go back and attempt to rewrite Section 3 or strike Section 3. If my motion fails, would this be

the direction that the conference committee would take, go back and prepare a report that would be agreeable?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Rasmussen. Then, in essence, Senator Francis's motion would be in effect; or if you care to, Senator Rasmussen, if you wish to withdrawn your motion, that would be in order."

Further debate ensued.

There being no objection, on motion of Senator Rasmussen, the motion to adopt the report of the Conference Committee on Substitute House Bill No. 318, on reconsideration, was withdrawn.

The motion by Senator Francis carried. The report of the Conference Committee on Substitute House Bill No. 318, on reconsideration, was not adopted and the bill was returned to the Conference Committee for further consideration.

SECOND READING

ENGROSSED HOUSE BILL NO. 59, by Representatives King, Burns, Bender, Fischer, Charnley, Pearsall, Douthwaite, Knowles, Lux, May, McKibbin, Moreau and Salatino:

Providing for collective bargaining at the state institutions of higher education.

The Senate resumed consideration of Engrossed House Bill No. 59. On June 18, 1977, Senator Ridder had moved adoption of the committee amendment and the following amendment by Senator Morrison to the committee amendment had been moved for adoption:

On page 2, line 37, after "employment:" strike "PROVIDED" and insert "PROVIDED, That no collective bargaining agreement reached after the effective date of this act but prior to January 1, 1979 shall contain any provision regarding the subject of tenure, nor shall any tenure rights or agreements existing prior to the effective date of this act be precluded from continuing until January 1, 1979: PROVIDED FURTHER, That if a collective bargaining agreement reached after January 1, 1979 contains any provision regarding the subject of tenure, the terms of that agreement shall supersede all existing statutes and any resolution, rule, policy, or regulation of the employer regarding the subject of tenure: PROVIDED FURTHER"

The motion of Senator Morrison carried and the amendment to the committee amendment was adopted.

Senator Guess moved adoption of the following amendment by Senators Pullen, Benitz, Gould, Guess, Mardesich, Day and Donohue to the committee amendment:

On page 2, line 39, after "bargaining:" and before "PROVIDED" insert:

"PROVIDED FURTHER, That in no event shall a collective bargaining agreement provide for the granting of tenure to an employee with less than three (3) years employment."

Debate ensued.

POINT OF INQUIRY

Senator Morrison: "Would Senator Goltz yield to a question? Senator Goltz, would this amendment deny the transfer of tenure? For instance, a professor leaving one institution and moving to another because of, say, a change in educational offerings could not take any protection of tenure with him?"

Senator Goltz: "Senator Morrison, it is my understanding that tenure is a condition granted only by an institution. It is not a condition which is transferable. Tenure in one institution means literally nothing in another institution unless the second institution actually confirms or grants tenure to that individual."

The motion by Senator Guess failed and the amendment to the committee amendment was not adopted.

Senator Matson moved adoption of the following amendment to the committee amendment:

On page 15, line 2, after the period, add:

"NEW SECTION. Sec. 22. There is hereby appropriated from the state general fund for the biennium ending June 30, 1979, to the following institutions of higher education and the Public Employment Relations Commission the following amounts, or so much thereof as may be necessary to carry out the purposes of this 1977 amendatory act; PROVIDED, That the State Board of Community College Education shall allocate not more than \$20,000 to any community college district:

For the University of Washington	\$143,600
For Washington State University	143,600
For Central Washington Regional University	108,900
For Eastern Washington Regional University	108,900
For Western Washington Regional University	108,900
For The Evergreen State College	108,900
For the State Board of Community College Education .	250,000
For the Public Employment Relations Commission	150,000
General Fund Appropriations—State	\$1,122,800
Total Appropriations	\$1,122,800"

Re-number remaining sections accordingly.

Debate ensued.

On motion of Senator Talley, the amendment by Senator Matson to the committee amendment was laid upon the table on a rising vote.

POINT OF ORDER

Senator Marsh: "The Morrison amendment on my desk is to page 15 of the engrossed House bill, and before us at the present time is a committee amendment which has not yet been adopted. I think it is out of order at this time."

REPLY BY THE PRESIDENT

The President: "Senator Marsh and members of the Senate, your point of order is well taken. However, the amendment has been changed to fit the committee amendment."

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

On page 15, following line 2, add a new section as follows:

"NEW SECTION. Sec. 22. There is hereby appropriated from the general fund to the Public Employment Relations Commission for the biennium ending June 30, 1979, the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this 1977 amendatory act."

Re-number remaining sections accordingly.

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

Senator Ridder moved the committee amendments to the title be considered and adopted simultaneously.

On motion of Senator Morrison, the following amendment to the title to the committee amendments was adopted:

On page 1, line 27 of the title, after "41.59.050" and before "." insert "making an appropriation;"

The motion by Senator Ridder carried and the committee amendments to the title, as amended, were adopted.

MOTION

Senator Clarke moved Engrossed House Bill No. 59, as amended by the Senate, be referred to the Committee on Ways and Means.

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained by Senators Washington, Herr, Walgren, Francis, Bottiger, Goltz, Newschwander, Guess and Morrison.

The President declared the question before the Senate to be the motion by Senator Clarke that Engrossed House Bill No. 59, as amended by the Senate, be referred to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 16; nays, 23; absent or not voting, 1; excused, 9.

Voting yea: Senators Benitz, Bluechel, Clarke, Gould, Guess, Jones, Lewis, Matson, Morrison, Murray, Newschwander, North, Rohrbach, Sandison, Sellar, Wanamaker—16.

Voting nay: Senators Bausch, Beck, Bottiger, Day, Francis, Gaspard, Goltz, Grant, Henry, Herr, Keefe, Marsh, McDermott, Monohon, Peterson, Ridder, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—23.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Buffington, Donohue, Fleming, Hayner, Mardesich, Odegaard, Pullen, Scott, Woody—9.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 59, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Walgren, Engrossed House Bill No. 59, as amended by the Senate, was ordered placed on the third reading calendar for June 20, 1977.

MOTION

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

MESSAGE FROM THE HOUSE

June 19, 1977.

Mr. President: The House has passed: ENGROSSED HOUSE BILL NO. 1086, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1086, by Representative Thompson:
Relating to revenue and taxation.

MOTION

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 1086 was advanced to second reading and placed on the second reading calendar.

MOTION

At 9:00 p.m., on motion of Senator Walgren, the Senate recessed until 10:03 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 10:03 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 1086, by Representative Thompson:
Relating to revenue and taxation.
The bill was read the second time by sections.

MOTION

Senator Walgren moved the rules be suspended, Engrossed House Bill No. 1086 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Grant: "Would Senator McDermott yield? Senator McDermott, I am looking at page 5, the definition of compensation. I see that you have defined it as one hundred and seven percent of the average salary of a certificated and one hundred and fourteen percent of the average salary for classified personnel. Now, how did you arrive at that seven and fourteen percent figure? What is included? Exactly what is included as far as benefits in that seven and fourteen percent?"

Senator McDermott: "Senator Grant, there are several ways to define something. One way is to be specific about it and another way is to leave local control and put out a specific amount of money and let the local districts use that money for a benefit package of their choosing. Historically in this state, the benefit package has been decided at the local level, and we chose to define compensation as the amount of money that is presently in the budget and has been historically in the budget; that is, seven percent for certified people and fourteen percent for the classified people. There is a great diversity of benefit packages out in the districts and it is impossible to say what every district uses that money for."

Senator Grant: "Senator McDermott, let me be specific then. Is the employer contribution to pensions involved in the fourteen percent for classified?"

Senator McDermott: "It is my understanding that it is a part of it, yes."

Senator Grant: "All right. Is the employer contribution toward social security a part of the seven or the fourteen percent for either classified or certificated?"

Senator McDermott: "My impression that the contributions to social security are an employer cost and is not included."

Senator Grant: "They are not included? So what about health insurance and dental plans?"

Senator McDermott: "That sort of thing differs from district to district. It certainly is included in various districts. Senator Grant, the money could be used for any kind of health and welfare kind of program. We do not specify, we never have

specified, we have always given the money to the districts and let them do as they choose."

Senator Grant: "Are there any other items, to your knowledge, that make up the seven percent for certificated other than health insurance and dental?"

Senator McDermott: "Nothing else that I am particularly aware of."

POINT OF INQUIRY

Senator Guess: "Would Senator McDermott yield? Following on the same vein that Senator Grant was questioning, Senator McDermott, it seems that it would have been a lot better had we used the English language and the common term and used that compensation, including benefits or including fringes, then we would have all understood it. Can you say why we did not use compensation including fringes?"

Senator McDermott: "Senator Guess, we are looking at this time at the forty-ninth draft of the levy lid bill. Yesterday we had a bill agreed upon, we thought, which went over to the House and the House took out the phrase 'including benefits.' That was a major portion of the hangup last night, which is why we are back here tonight doing the same thing, and we agreed upon this language as defining benefits as a substitute which for me would have been more preferable. That is, to use the term 'including benefits,' but we felt that in order to define it we could define it in terms of the money available and chose to do that as a compromise."

Senator Guess: "In other words, what you are telling me then is that compensation is that which is given to them, a hundred percent of normal payroll plus seven percent in the certified and fourteen percent or vice versa."

Senator McDermott: "Yes, those figures, seven and fourteen, in actuality are I think six point nine two percent for certified and thirteen point nine zero for classified and for budget making purposes we have always used seven and fourteen."

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, when Senator Grant was asking you if the seven percent for pensions was included in the fourteen percent you indicated yes, it was the employer's portion of the pension. And then he asked you the further question in regard to the five point eight five social security which would be the employer's portion, and you indicated that was not part of it. How do you differentiate between social security pension and state pension?"

Senator McDermott: "Senator Rasmussen, I talked with several people after I said that. I said to Senator Grant that I did not think it was but I have checked and, in fact, it is included."

Senator Grant moved adoption of the following amendments:

On page 5, line 7, strike "seven" and insert "thirteen"

On page 5, line 9, strike "fourteen" and insert "twenty"

Debate ensued.

MOTION

Senator McDermott moved the amendments by Senator Grant be laid upon the table.

Senator McDermott demanded a roll call and the demand was sustained by Senators Wojahn, Rasmussen, Matson, Talley, von Reichbauer, Ridder, Day and Keefe.

The President declared the question before the Senate to be the motion by Senator McDermott that the amendments by Senator Grant to Engrossed House Bill No. 1086 be laid upon the table.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried by the following vote: Yeas, 30; nays, 13; absent or not voting, 1; excused, 5.

Voting yea: Senators Benitz, Bluechel, Clarke, Day, Donohue, Francis, Gould, Guss, Henry, Herr, Jones, Lewis, Mardesich, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rohrbach, Scott, Sellar, Talley, Van Hollebeck, Walgren, Wanamaker, Washington, Wilson—30.

Voting nay: Senators Bausch, Beck, Gaspard, Goltz, Grant, Keefe, Marsh, Murray, Rasmussen, Ridder, Sandison, von Reichbauer, Wojahn—13.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Buffington, Fleming, Hayner, Pullen, Woody—4.

The motion by Senator Walgren carried. The rules were suspended and Engrossed House Bill No. 1086 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Grant: "Will Senator McDermott yield? Senator McDermott, what is meant by the language on page 4 beginning on line 10 where it talks about 'that amount equal to ten percent for excess levies in '77 for collection in 1979 and years thereafter'? Is that a leeway available to districts with regard to special levies over and above the four percent that is permitted for salaries at the top of the schedule?"

Senator McDermott: "Are you speaking about that language beginning on line 10?"

Senator Grant: "Yes."

Senator McDermott: "This levy lid bill provides that all districts shall have the option of using levy ability up to ten percent of their basic education allocation for program enhancement. Not for salary increases but for program enhancement. That means they can reduce their class size, they can provide additional courses. Maybe they have presently got one foreign language and they would like to provide two, that sort of thing. That provision, the ten percent for program enhancement, will be available to all districts and will be the only levy available after the '80-81 school year."

Senator Grant: "May they use a portion of that for salaries if they are at the top of the schedule which would equal the increase in the consumer price index? Of the ten percent? May they use four percent or if the increase in the CPI is higher than that, may they use the higher figure for salaries?"

Senator McDermott: "The language of the bill says well, let us take a specific example. Last year consumer price index was five point six percent. The state, for a district at the top, and the only district that can use this for the consumer price index is the district that has reached the top of the schedule, that is Bellevue at eighteen thousand three zero one. They can use part of that special levy money to raise an additional one point four or one point six percent, depending on what the final consumer price index is. Once they have used that part of their ten percent enhancement for that kind of program, they have wired it in forever. If they lose a levy they have to reduce teachers' salaries and reduce classified salaries."

Further debate ensued.

POINT OF INQUIRY

Senator Gould: "Would Senator McDermott yield to a question? When you answered the question of Senator Grant regarding that increment which could be in special levies for the top districts, I had been under the impression that that would automatically become part of the salary, average salary for that district for the next

year, once it had been passed. Where in this bill or in what document would provide us the assurance that that would not be so?"

Senator McDermott: "Senator Gould, the insurance you are looking for is actually in the budget bill. This bill and the basic education bill and the budget bill are all of one piece, and we are only limiting levies in here. In the budget bill we take care of what amount of salary increase is possible in each district, given where they fit in the schedule, either above the state average, below the state average or at the maximum, so that language is in the budget bill."

Senators Talley, Peterson and von Reichbauer demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1086.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1086 and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—35.

Voting nay: Senators Beck, Clarke, Gaspard, Grant, Murray, Rasmussen, Ridder, Wojahn—8.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Buffington, Fleming, Hayner, Pullen, Woody—5.

ENGROSSED HOUSE BILL NO. 1086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Jones: "I did not want to hold up the action of Senator Talley's move for the previous question and I wanted to state my reasons for voting yes on this measure and I hope this could be entered in the Journal. I feel that this is one of the cornerstones of full funding for education through the state. I came down here with that in mind and I do not think this is going to be the greatest thing in the world for Bellevue or the districts I represent, but I think we have to look at this as a state problem and transcend the problems of our own districts, and that is why I voted 'yes' and I hope that we can get on with, get out of here, doing a decent job. Let us get on to the next two parts of this package."

MOTION

On motion of Senator Walgren, Senate Resolution 1977-107, effectiveness of Shorelines Management Act, was referred to the Committee on Rules.

MOTION

At 10:30 p.m., on motion of Senator Walgren, the Senate recessed until 10:00 a.m., Monday, June 20, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDRED SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, June 20, 1977.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Buffington, Donohue, Fleming, Hayner, Herr, Odegaard, Peterson and Woody. On motion of Senator Jones, Senators Buffington and Hayner were excused. On motion of Senator Marsh, Senators Donohue, Fleming, Herr, Odegaard and Woody were excused.

The Color Guard, consisting of Pages Kelley Grubb and Andy Vermes, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE PAUSE TO REFLECT ON A BIBLICAL PASSAGE READ IN ALL CATHOLIC CHURCHES TODAY AROUND THE WORLD. IT IS THAT MOVING PASSAGE IN I SAMUEL 17 WHEN THE ISRAELITES WERE FACE TO FACE WITH THE PHILISTINES AND NOT A SOLDIER IN SAUL'S ARMY HAD THE COURAGE TO FACE GOLIATH.

"THEN ONE DAY A YOUNG TEENAGER ARRIVED AND TURNED FRUSTRATION, DEFECTION AND HUMILIATION INTO VICTORY, JOY AND CELEBRATION. TOO THIN TO WEAR THE TRADITIONAL SOLDIER'S ARMOUR, THE YOUNG DAVID FACED HIS ADVERSARY WITH THESE MEMORABLE WORDS, 'I COME AGAINST YOU IN THE NAME OF THE LORD OF HOSTS.'

"MAY THIS SIMPLE YET EFFECTIVE FAITH BE GRANTED TO ALL OF US TODAY. AMEN."

MOTION

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

MOTION

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

The President called the Senate to order at 1:00 p.m.

At 1:00 p.m., the President declared the Senate to be in recess until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

At 2:00 p.m., the President declared the Senate to be at ease.

The President called the Senate to order at 5:02 p.m.

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 18, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 18, 1977, Governor Ray approved the following Senate bill entitled:

SENATE BILL NO. 2480: relating to unemployment compensation.

Sincerely,
JOE ZASPEL
Legislative Assistant.

MESSAGES FROM THE HOUSE

June 20, 1977.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2441, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 20, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 20, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 3054, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 20, 1977.

Mr. President: The Speaker has signed: HOUSE BILL NO. 1284, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 20, 1977.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 980, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 20, 1977.

Mr. President: The Speaker has signed: HOUSE BILL NO. 1086, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 20, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 912, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 743,
SUBSTITUTE HOUSE BILL NO. 912,
HOUSE BILL NO. 1086,
HOUSE BILL NO. 1284.

MESSAGE FROM THE HOUSE

June 20, 1977.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2522 with the following amendment:

On page 1, line 26, after "section." add a new subsection to read as follows:

"(4) The department of motor vehicles shall collect the tax imposed in subsections (1) and (2) of this section on all boats and ships in this state except those defined in 84.36.079 and 84.36.080 RCW, and shall be credited by the state treasurer to the Puget Sound capital construction account."

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

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Henry moved the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 2522 and ask the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Clarke: "In the event that we act upon this amendment at the present time by asking the House to recede and it comes back, would it still be possible to raise the question of scope and object on that particular amendment after it comes back?"

REMARKS BY SENATOR HENRY

Senator Henry: "Mr. President, it is my belief that it is, Senator Clarke, and if they do not recede I have no intention of putting it in conference. I will just merely take it back to my committee and rewrite the bill as quickly as possible and try to catch it on the fly."

REMARKS BY SENATOR CLARKE

Senator Clarke: "With that understanding that that is—I just want to be certain that we have not waived because I do think that we should have, Mr. President, the alternative of first seeing whether or not the House would recede without waiving the right to urge scope and object and, in effect, clean the matter up in that way."

REPLY BY THE PRESIDENT

The President: "The President would like to give that some careful thought before answering your question, Senator Clarke."

Senator Henry: "While he is making some careful thought, I would also say that we have the votes here on the floor; I would merely re-refer it to my committee. How would that work?"

Senator Clarke: "Okay. Thank you."

REPLY BY THE PRESIDENT

The President: "Senator Clarke, in reply to your inquiry, the President believes that action on the motion presented by Senator Henry would not preclude the Senate from considering the amendments individually."

The motion by Senator Henry carried. The Senate refused to concur in the House amendment to Engrossed Substitute Senate Bill No. 2522 and asks the House to recede therefrom.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 980, by Committee on Transportation (originally sponsored by Representative Conner):

Relating to marine transportation.

On motion of Senator Henry, the rules were suspended, Engrossed Substitute House Bill No. 980 was advanced to second reading.

The bill was read the second time by sections.

MOTION

At 5:20 p.m., on motion of Senator Walgren, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

The President declared the Senate to be at ease.

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

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

REPORT OF CONFERENCE COMMITTEE

June 20, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, as amended by the Senate, enacting "The Education Act of 1977", have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following bill:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977". The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in section 2 of this 1977 amendatory act, (2) those program requirements enumerated in section 3 of this 1977 amendatory act, and (3) the determination and distribution of state resources as defined in sections 4 and 5 of this 1977 amendatory act.

The requirements of the Basic Education Act are deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex", and are adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools".

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The goal of the Basic Education Act for the schools of the state of Washington set forth in this 1977 amendatory act shall be to provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning. Those skills shall include the ability:

- (1) To distinguish, interpret and make use of words, numbers and other symbols, including sound, colors, shapes and textures;
- (2) To organize words and other symbols into acceptable verbal and nonverbal forms of expression, and numbers into their appropriate functions;
- (3) To perform intellectual functions such as problem solving, decision making, goal setting, selecting, planning, predicting, experimenting, ordering and evaluating; and
- (4) To use various muscles necessary for coordinating physical and mental functions.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) For the purposes of sections 3 through 5 of this 1977 amendatory act:

(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes and recess and exclusive of intermission for meals.

(b) "Instruction in work skills" shall include the instruction of industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education, and shall include career orientation.

(2) Satisfaction of the basic education goal identified in section 2 of this 1977 amendatory act shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand seven hundred hours. A minimum of ninety-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts, mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include foreign languages, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts, mathematics, social studies, science, music, art, health and physical education. A minimum of five percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include foreign languages, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings

shall be in the basic skills areas of reading/language arts, mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include foreign language, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety, foreign language, or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one-half thereof in basic skills and/or work skills.

Nothing contained in subsection (2) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

Each school district's basic educational program shall be accessible to all students between the ages of five and twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten. The state board of education pursuant to its authority in RCW 28A.04.120 and 28A.41.130, as now or hereafter amended, shall adopt the necessary rules and regulations to ensure program compliance with the provisions of this section.

Sec. 4. Section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, excluding excess property tax levies, will constitute ((an equal guarantee in dollars for each weighted pupil enrolled)) a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) The receipts from the one percent tax on real estate transactions ((which may be imposed)) pursuant to chapter 28A.45 RCW ((~~PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent~~)); and

(2) One hundred percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(3) One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to sections 4 and 5 of this 1977 amendatory act to fund those program requirements identified in section 3 of this 1977

amendatory act in accordance with the formula and ratios provided in section 5 of this 1977 amendatory act.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of ((pupils)) students per classroom teacher((s)) in grades kindergarten through three is not greater than the ratio of ((pupils)) students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as ((a-certificated-employee)) an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of pupils: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the ((pupil)) student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the ((pupil)) student/teacher ratio requirements of this section by virtue of a small number of ((pupils)) students: PROVIDED, FURTHER, That these rules and regulations shall provide that any district that has a ratio of no greater than twenty-five students per classroom teacher in grades kindergarten through three shall be in conformance with this section.

((Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years:)) If a school district's basic education program fails to meet the basic education requirements enumerated in sections 3 through 5 of this 1977 amendatory act, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That for the school years 1978 through 1981 the state board of education may waive this requirement in the event of levy failure: PROVIDED FURTHER, That the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 5. Section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140 are each amended to read as follows:

((To determine a "weighted student enrolled," as that term is used in this chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students and districts of the state, with the equalization of educational opportunity being the primary objective:

- (1) Costs attributable to staff experience and professional preparation; and
- (2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment;
- (3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary;
- (4) Costs differentials attributable to the operation of approved elementary and secondary programs;
- (5) Costs which must be incurred to operate an approved vocational program;
- (6) Costs resulting from the attendance of students who:
 - (a) Do not reside within the servicing school district: PROVIDED, That nothing within this provision shall be construed as affecting the reimbursement procedures in RCW 28A.44.040;

~~(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or~~

~~(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.~~

~~The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's biennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect. The enrollment of any district, before weighting, shall be the average number of full time students and part time students as provided in RCW 28A.41.145 enrolled on the first school day of each month:))~~

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs; and
- (4) Extraordinary costs of remote and necessary schools and small high schools.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous biennium shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in section 3 of this 1977 amendatory act. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of program planning and fiscal management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute: PROVIDED, FURTHER, That the hiring of such noncertificated persons shall be subject to disapproval by the superintendent of public instruction. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances. Annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall be at least twenty-five hours per week. Classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Classified staff shall include those persons employed by a school district other than certificated staff as defined in this section in a capacity for which certification is not required.

Sec. 6. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 80, Laws of 1977 and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to (~~state assistance based upon weighted enrollment~~) the basic education allocation. Transportation costs shall be reimbursed as follows:

(1) (~~Operational reimbursement~~) School districts shall be (limited to ninety) reimbursed up to one hundred percent of the (service costs on routes) operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible; and

(2) Costs of acquisition of approved transportation equipment shall be (limited) reimbursed up to (ninety) one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the future (purpose) purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

In addition to those state funds provided to school districts for basic education, the legislature shall appropriate funds for pupil transportation, in accordance with RCW 28A.41.160, and for programs for handicapped students, in accordance with chapter 28A.13 RCW. The legislature may appropriate funds to be distributed to school districts for population factors such as urban costs, enrollment fluctuations and for special programs, including but not limited to, vocational-technical institutes, compensatory programs, bilingual education, urban, rural, racial and disadvantaged programs, programs for gifted students, and other special programs.

Sec. 8. Section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145 are each amended to read as follows:

- (1) For purposes of this section, the following definitions shall apply:
- (a) "private school student" shall mean any student enrolled full time in a private or private sectarian school;
 - (b) "school" shall mean any primary, secondary or vocational school;
 - (c) "school funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;
 - (d) "part time student" shall mean and include any student enrolled in a course of instruction in a private or private sectarian school and taking courses at and/or receiving ancillary services offered by any public school not available in such private or private sectarian school district and any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.
- (2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.
- (3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) and shall include such costs in the (~~("weighting schedule" established~~)) distribution of funds to school districts pursuant to RCW 28A.41.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.
- (4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2), and shall include said costs in funding the activities of said school districts.
- (5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.41.140 and 28A.41.145.

Sec. 9. Section 2, chapter 92, Laws of 1974 ex. sess. as amended by section 71, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools

or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year shall be the same as that required of public schools in RCW 28A.01.025 as now or hereafter amended.

(2) The length of the school day shall be the same as that required of public schools in RCW 28A.01.010 and section 3 of this 1977 amendatory act, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in section 3 of this 1977 amendatory act for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(7) In compliance with provisions of RCW 28A.31.010 as now or hereafter amended and rules or regulations of the state board of education, each private school teacher shall file with the educational service district in which the school is located a valid health certificate issued by the state department of social and health services.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 10. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.080 are each amended to read as follows:

The superintendent of every high school district shall certify under oath, as a part of an annual report to the educational service district board to be made on or before the fifteenth day of October as required by law, the following facts as nearly as the same can be ascertained:

(1) Name, post office address, county, and resident school district of each non-resident high school ((pupil)) student who is not a resident of another high school district and is enrolled in the high school, or high schools, of the district during the

school year, with the enrollment date and departure date of each such nonresident (~~(pupit)~~) student.

(2) The cost per (~~(weighted pupit)~~) annual average full time equivalent student of educating high school (~~(pupits)~~) students for the school year in (~~(his)~~) the district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals, special instructors, superintendent and assistants, janitors, clerks, and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this section. When any item, as a necessary result of organization, covers both grade and high school work, it shall be prorated, as nearly as practicable, by the high school district superintendent.

Sec. 11. Section 2, chapter 124, Laws of 1972 ex. sess. as last amended by section 25, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.085 are each amended to read as follows:

The educational service district board, after verifying such reports as provided in RCW 28A.44.080 as now or hereafter amended, shall certify, on or before the fifteenth day of November each year to the appropriate county commissioners, the amount of claims which any high school district in its educational service district may have under the provisions of RCW 28A.44.045 through 28A.44.100 as now or hereafter amended against any nonhigh district for the cost of educating nonresident high school (~~(pupits)~~) students of such district. In fixing the amount of any such claim by a high school district for educating nonresident high school (~~(pupits)~~) students from such nonhigh districts the educational service district board shall determine the net difference between the cost of educating high school (~~(pupits)~~) students in the given high school district per (~~(weighted pupit)~~) annual average full time equivalent student enrolled for the preceding year as determined pursuant to RCW 28A.44.080(2) and the total state (~~(guarantee, including the equal guarantee)~~) basic education allocation provided for in RCW 28A.41.130, per (~~(weighted pupit)~~) annual average full time equivalent student enrolled in such high school district for the preceding year, less any funds received by the high school district pursuant to Title 20, sections 236 through 244, United States Code, for any nonresident high school (~~(pupits)~~) students educated in the high school district for such preceding year. Such amount, when certified as provided in this section, shall constitute a valid claim against the appropriate nonhigh district.

Sec. 12. Section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040 are each amended to read as follows:

The (~~(weighted student)~~) annual average full time equivalent student enrollment as computed under RCW 28A.41.140 (~~(accredited to)~~) for each school district or part thereof within a county shall be the basis upon which the real estate sales tax proceeds as provided for in chapter 28A.45 RCW and apportionments from the county current school fund shall be made.

Sec. 13. Section 28A.45.050, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 135, Laws of 1975 1st ex. sess. and RCW 28A.45.050 are each amended to read as follows:

The county commissioners or legislative authority of (~~(any)~~) each county (~~(are authorized by ordinance to)~~) shall levy an excise tax upon sales of real estate (~~(not~~

~~exceeding~~) of one percent of the selling price. ~~((The rate of the levy shall be determined annually by the commissioners:))~~ The proceeds of the tax provided for in this chapter shall be placed in the county school fund and shall be used exclusively for the support of the common schools: **PROVIDED**, That one percent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county: **PROVIDED**, That each educational service district superintendent shall certify each month the distribution of the real estate excise tax from the county school fund, for each county whose seat of government is within the educational service district, to the general fund of each school district in the county: **PROVIDED FURTHER**, That when a local school district board of directors, by properly executed resolution, instructs that the distribution in whole or part be credited to the building fund and/or bond interest and redemption fund of the local school district, the educational service district superintendent shall certify the distribution in accordance with such resolution: **AND PROVIDED FURTHER**, That such certification of distribution to each school district in the county shall be in proportion (using the most recent data) to the number of ~~((weighted))~~ annual average full time equivalent students enrolled in each district to the number of ~~((weighted))~~ annual average full time equivalent students in the county.

Sec. 14. Section 28A.58.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.190 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons between the ages of ~~((six))~~ five and twenty-one years residing in that school district. Except as otherwise provided by law, the state board of education is hereby authorized to adopt rules in accordance with chapter 34.04 RCW which establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student.

Sec. 15. Section 36.33.110, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1967 and RCW 36.33.110 are each amended to read as follows:

The state treasurer shall turn over to the treasurers of the counties within United States forest reserves, the amount of money belonging to them, received from the federal government from such reserves, in accordance with Title 16, section 500, United States Code. Where the reserve is situated in more than one county the money shall be distributed in proportion to the area of the counties interested, and to that end the state treasurer is authorized and required to obtain the necessary information to enable him to make the distribution on such basis.

County commissioners or the legislative authority of the respective counties to which the money is distributed are authorized and directed annually to distribute not less than fifty percent of said money to each school district within each such county according to the proportional number of ~~((weighted))~~ annual average full time equivalent students enrolled in each such school district during the immediate preceding school year as certified by the ~~((county school superintendent of schools or the intermediate))~~ educational service district superintendent ~~((of schools as the case may be: PROVIDED, That if any such school district would suffer a decrease in its total revenue as the result of receipt of said money, such district may refuse its proportional share and the county commissioners shall thereupon redistribute such proportional share to the remaining districts in the county))~~. The county commissioners or county legislature authority shall expend the balance of said money for the benefit of the public roads of such county, and not otherwise.

NEW SECTION. Sec. 16. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Rules and regulations adopted by the state board of education and superintendent of public instruction pursuant to the provisions of this 1977 amendatory act shall be subject to periodic review by the legislature.

Sec. 17. Section 1, chapter 105, Laws of 1973 1st ex. sess. as amended by section 21, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.01.130 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.02.201, 28A.41.140, 28A.58.450 through 28A.58.515, 28A.58.445, 28A.67.065, 28A.67.070, 28A.67.074 and 28A.01.130 and chapter 41.59 RCW, each as now or hereafter amended, shall include those persons who hold certificates as authorized by rule or regulation of the state board of education or the superintendent of public instruction.

NEW SECTION. Sec. 18. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program meet the individual and collective needs of the particular students enrolled therein.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum.

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs.

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in section 3 of this 1977 amendatory act, or rules and regulations of the state board of education.

(d) Determine the allocation of staff time, whether certificated or classified.

(e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district.

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

(3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:

(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.67.065.

(b) A summary of program objectives pursuant to RCW 28A.58.090.

(c) Results of comparable testing for all schools within the district.

(d) Budget information which will include the following:

(i) Student attendance.

(ii) Number of full time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, building and central administration and support services, including itemization of such personnel by program.

(iii) Number of full time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program.

(iv) Total number of full time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program.

(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in section 3 of this 1977 amendatory act.

NEW SECTION. Sec. 19. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) It is the intended purpose of this section to guarantee that the certificated teaching and administrative staff in each common school district be held accountable for the proper and efficient conduct of classroom teaching in their school which will meet the individual and collective needs of the particular students enrolled therein.

(2) In conformance with the other provisions of Title 28A RCW, it shall be the responsibility of the certificated teaching and administrative staff in each common school to:

(a) Implement the district's prescribed curriculum and enforce, within their area of responsibility, the rules and regulations of the school district, the state superintendent of public instruction, and the state board of education, taking into due consideration individual differences among students, and maintain and render appropriate records and reports pertaining thereto.

(b) Maintain good order and discipline in their classrooms at all times.

(c) Hold students to a strict accountability while in school for any disorderly conduct while under their supervision.

(d) Require excuses from the parents, guardians, or custodians of minor students in all cases of absence, tardiness, or early dismissal.

(e) Give careful attention to the maintenance of a healthful atmosphere in the classroom.

(f) Give careful attention to the safety of the student in the classroom and report any doubtful or unsafe conditions to the building administrator.

(g) Evaluate each student's educational growth and development and make periodic reports thereon to parents, guardians, or custodians and to school administrators.

Failure to carry out such requirements as set forth in subsection (2) (a) through (g) above shall constitute sufficient cause for discharge of any member of such teaching or administrative staff.

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

(1) Section 28A.45.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040; and

(2) Section 28A.67.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.100.

NEW SECTION. Sec. 21. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This 1977 amendatory act shall take effect September 1, 1978."

In line 1 of the title after "education;" strike the remainder of the title and insert "amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 211, Laws of 1975 1st ex. sess. and RCW 28A.41.130; amending section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 80 Laws of 1977 and RCW 28A.41.160; amending section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145; amending section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040; amending section 2, chapter 92, Laws of 1974 ex. sess. as amended by section 71, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.02.201; amending section 1, chapter 105, Laws of 1973 1st ex. sess. as amended by section 21, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.01.130; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.080; amending section 2, chapter 124, Laws of 1972 ex. sess. as last amended by section 25, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.085; amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 135, Laws of 1975 1st ex. sess. and RCW 28A.45.050; amending section 28A.58.190, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.190; amending section 36.33.110, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1967 and RCW 36.33.110; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.41 and 28A.58 RCW; repealing sections 28A.45.040 and 28A.67.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040 and 27A.67.100; providing penalties; and making an effective date."

Signed by: Senators McDermott, Mardesich and Gould; Representatives Clemente, Heck and Barnes.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute House Bill No. 960.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 980, by Committee on Transportation (originally sponsored by Representative Conner):

Relating to marine transportation.

The Senate resumed consideration of Engrossed Substitute House Bill No. 980. Earlier today, the bill had been read by sections.

Senator Henry moved the rules be suspended, Engrossed Substitute House Bill No. 980 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

MOTION

On motion of Senator Odegaard, Senators Day, Francis, Keefe and Rasmussen were excused.

POINT OF INQUIRY

Senator Goltz: "Mr. President, in the interests of basic education, on page 2, line 16, I believe the word 'principal' is misspelled. I know the difference between ferries and teachers."

Senator Henry: "I would like to inform Senator Goltz it is not the principle of the thing, it is the interest."

The motion by Senator Henry carried. Engrossed Substitute House Bill No. 980 was advanced to third reading and final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 980, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Gaspard, Goltz, Gould, Guess, Henry, Herr, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—39.

Voting nay: Senators Grant, Murray—2.

Excused: Senators Buffington, Day, Fleming, Francis, Hayner, Keefe, Rasmussen, Woody—8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2441.

MOTION

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

MESSAGE FROM THE HOUSE

June 19, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 3 on page 2, beginning on line 13, on page 5, line 30, and on page 5, line 33; and refuses to concur in the Senate amendment on page 5, beginning on line 20, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Bottiger moved the Senate do recede from its amendment to page 5, beginning on line 20 to Substitute House Bill No. 3.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "I wonder if Senator Benitz would yield? My impression is that the scope of supply for the nuclear plants is considerably different than might be true for a PUD. In other words, the PUD would have customers within a fairly localized area and this particular facility, of course, has customers who range perhaps statewide. Would that be accurate?"

Senator Benitz: "Yes, that would be an accurate statement, but I would also add that the problem is that we are getting a number of these because the location is not desired by other places, and consequently the burden on local government is terrific and I think this is the point that you are missing."

Senator Ridder: "What kind of burden, Senator?"

Senator Benitz: "Just plain growth. We do not have roads. The idea is to pass this and pass it at a fair rate so that the local governments can bond to increase facilities that are available for the people to live, for the roads for them to get to and from work. We have absolutely the worst traffic jam in the state of Washington trying to get to and from these projects."

Senator Ridder: "Would I be inaccurate in feeling that the percentage, even at the lower rate, would be yielding a considerably greater amount of money than perhaps might be true for a PUD?"

Senator Benitz: "Yes, the proposed House Bill 3 does raise the rate of taxation on these facilities a considerable amount above what we have in the PUD law now."

Senator Ridder: "And the amount, since it is based on a much larger amount, would indeed be considerably greater."

Senator Benitz: "Yes, it would yield, but further, the important thing is that there will not be one cent of revenue from this bill until 1982 and if we have another strike over there like we had last summer it will be even later than that, so the idea to get this through is for local government. It will not help state general fund budget before 1982 anyway, but it will help local government because the cities of Kennewick, Pasco and Richland want to use this legislation to bond against, and so the reason I think we should be very fair and put it at the thirty-seven percent for the school district when they get the money."

Senator Ridder: "I am afraid I have to say that I think your proposal would be perhaps more than fair."

Further debate ensued.

POINT OF INQUIRY

Senator Morrison: "Would Senator Benitz yield to a question please? Senator Benitz, I understand that this is of great interest to all the representatives from the Tri-Cities area. I understand that you have had communication particularly with Representative Kilbury. Is it fair for me to say that Representative Kilbury has assured you that if the Senate does send this back without concurring with the House position, that there is a good chance they will recede from their amendment and that the bill will pass as passed by the Senate?"

Senator Benitz: "Yes, Senator Morrison. I have been assured by the people in the Tri-City areas and others that have contacted Representative Kilbury today that if we do not concur with the House's request but send it back requesting that they recede from their position, we have assurance that he will do his very best and with a probable degree of success, and I think that is the proper way to do it."

The motion by Senator Bottiger failed on a rising vote.

MOTION

On motion of Senator Henry, the Senate refused to recede from its amendment to page 5, beginning on line 20 to Substitute House Bill No. 3 and again asks the House to concur therein.

MESSAGE FROM THE HOUSE

June 19, 1977.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 2186 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 82.16.050, chapter 15, Laws of 1961 as last amended by section 25, chapter 149, Laws of 1967 ex. sess. and RCW 82.16.050 are each amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: **PROVIDED**, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: **PROVIDED**, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale or consumption outside the state if the production or generation of such energy is subject to tax under the manufacturing classification of chapter 82.04 RCW: **PROVIDED**, That the exemption set forth in RCW 82.04.310 shall not be applicable to the generation or production of the electrical energy so produced, sold, or transferred: **AND PROVIDED FURTHER**, That no credit has been claimed as an offset to taxes imposed under RCW 82.04.240;

(10) Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements by that nonprofit water association.

NEW SECTION. Sec. 2. Any relief, direct or indirect, from the impact of surcharges or taxes on electric power costs, provided by a municipal corporation from revenues derived from such surcharges or taxes to any class of consumers subject to such surcharges or taxes within the power service area shall apply uniformly to all

members of the class within the area: **PROVIDED**, That no class shall be based on geographical location.

NEW SECTION. Sec. 3. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state and its existing public institutions, and shall take effect immediately."

On line 1 of the title after "taxation;" strike the remainder of the title and insert "amending section 82.16.050, chapter 15, Laws of 1961 as last amended by section 25, chapter 149, Laws of 1967 ex. sess. and RCW 82.16.050; and creating new sections.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

Senator Bottiger moved the Senate concur in the House amendments to Substitute Senate Bill No. 2186.

Senator Newschwander moved the Senate concur in the House amendments with the exception of New Section 2 and not concur in that amendment.

Debate ensued.

On motion of Senator Newschwander, the question was divided.

On motion of Senator Bottiger, the Senate concurred in the House amendment to Section 1 of Substitute Senate Bill No. 2186.

Senator Newschwander moved the Senate not concur in the House amendment creating New Section 2 and ask the House to recede therefrom.

Senator Bottiger moved the Senate concur in the House amendment creating New Section 2.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained by Senators Talley, Washington, Grant, Goltz, Wojahn, von Reichbauer, Wilson and Peterson.

The President declared the question before the Senate to be the positive motion by Senator Bottiger that the Senate concur in the House amendment creating New Section 2 to Substitute Senate Bill No. 2186.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed by the following vote: Yeas, 17; nays, 23; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Bottiger, Gaspard, Goltz, Grant, Marsh, McDermott, Monohon, Odegaard, Peterson, Ridder, Talley, Van Hollebeke, Walgren, Washington, Wilson, Wojahn—17.

Voting nay: Senators Beck, Benitz, Bluechel, Clarke, Donohue, Gould, Guess, Henry, Herr, Jones, Lewis, Mardesich, Matson, Morrison, Murray, Newschwander, Pullen, Rohrbach, Sandison, Scott, Sellar, von Reichbauer, Wanamaker—23.

Absent or not voting: Senator North—1.

Excused: Senators Buffington, Day, Fleming, Francis, Hayner, Keefe, Rasmussen, Woody—8.

The motion by Senator Newschwander carried. The Senate refused to concur in the House amendment creating New Section 2 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

June 20, 1977.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

POINT OF ORDER

Senator Grant: "I raise the point of order that the consideration of the free conference report is in violation of Rule 12 of the Joint Rules. I understand that the Joint Rules have not been adopted but I also understand, Mr. President, that you have been ruling in accordance with the Joint Rules of the past session which provide in Rule 12 that a report of a free conference committee shall be read in full in each house and that the House and Senate shall have thirty-six hours from the time of receipt in the house originating the conference request to consider reports from a free conference committee.

"Mr. President, we received this report about an hour ago. That is far short of thirty-six hours and I should suggest to the members of the Senate that although this may be a very worthwhile report, that this is a rather ridiculous hour to consider such a far-reaching measure. We have been here for—how many days? Too many days. One hundred and sixty days now, and the question of a definition of basic education has been one that we have had before us for a considerable period of time. However, the question is a serious one and one that I think members should have an opportunity to consider fully, all members, not six conferees. I have objected to this process in the past with regard to the budget and the manner in which it has been presented and certainly that question has not as yet been resolved, but I should think that the members of the Senate, which is considered to be the deliberative body, would take the time to give this their full consideration. I would not object tomorrow. I would not hold to a thirty-six hour rule, but I should think that we should have had these copies in caucus. We should have had the opportunity to discuss the formulas, the staffing, the course offerings in our common school system, before we take action on a measure as important as this. I know, Mr. President, that rules have not been adopted.

"I should like to call to mind your past rulings wherein you have ruled that the rules that have been in effect in the past have been the rules by which you have operated. If we do not go by this one, then there is no procedure for conference or free conference or any other rule with regard to differences between the houses, and I would ask that you rule that this particular measure not be considered at this time because of Rule 12."

MOTION

Senator Clarke: "I move that there be a suspension of any rule that may be deemed to exist without conceding that there is such a rule, and that the matter be now considered and I would like to speak upon that motion, in answer to the remarks of Senator Grant.

"He is quite correct in stating that this is one of the important matters for consideration by this legislature. However, I think he knows as well as every Senator on the floor that substantially everyone has been rather closely following the developments of the negotiation with respect to the attempt to define basic education. He also knows, or should have known, that the matter was presented in detail this evening before a joint caucus. Joint caucuses are rather unusual things, because normally each party holds its own caucus, but here the matter is a nonpartisan matter. It is a matter of importance to the public and was thoroughly discussed in joint

caucus. I submit that no good end whatsoever would be achieved by delaying this for another day. It would simply contribute to a further unnecessary delay of a session which we very definitely hope is drawing to a close. Now the body has the right to make its determination and I have, as Senator Grant knows, joined in urging that there be some sort of rules that would be applicable until such time as we have formalized our Joint Rules. So certainly this body, if it so desires, and I urge that it do so, can by a two-thirds vote elect to consider the matter because if we did have rules, those could be suspended by a two-thirds vote. I would suggest that the President put a motion with the idea of getting a two-thirds concurrence for consideration."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I would simply challenge the requirement for a two-thirds vote. There are no rules in order, and a motion to suspend is not necessary. A mere motion to consider is the proper motion and with Senator Clarke's concurrence, I would hope that motion be put."

Debate ensued.

REMARKS BY SENATOR CLARKE

Senator Clarke: "I would withdraw the motion and I think that the vote will show that we will have a two-thirds majority in any event, but I have concurred with Senator Mardesich that we do not at this time actually have any rules that need suspending."

RULING BY THE PRESIDENT

The President: "Members of the Senate, in this Forty-Fifth Session the President has been guided by the Senate Rules that were in existence in the Forty-Fourth prior to the adoption of rules for this session. The President has no precedent to guide him as to the situation involving Joint Rules. Therefore, in the absence of Joint Rules and in the interest of expediting the business of the Senate, the President rules that Substitute House Bill 960 is properly before the Senate. Therefore, the point of order is not well taken."

The Point of Order raised by Senator Grant was ruled out of order.

REPORT OF FREE CONFERENCE COMMITTEE

June 20, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, as amended by the Senate, enacting "The Education Act of 1977", have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators McDermott, Mardesich and Gould; Representatives Clemente, Heck and Barnes.

MOTION

On motion of Senator McDermott, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 960 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 960, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Gaspard, Goltz, Gould, Guess, Henry, Jones, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Voting nay: Senators Grant, Murray—2.

Absent or not voting: Senator Herr—1.

Excused: Senators Buffington, Day, Fleming, Francis, Hayner, Keefe, Rasmussen, Woody—8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, Engrossed Substitute House Bill No. 960, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

June 20, 1977.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2537 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas, or liquid, by whatsoever name such gasoline, gas or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles(;) or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of motor vehicles;

(6) "Director" means the director of motor vehicles;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Weighted average retail sales price of motor vehicle fuel" means the average retail sales price excluding any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.38 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price;

(16) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW, as now or hereafter amended, for any designated fiscal period, whether or not such amounts are actually received by the department of motor vehicles. The phrase does not include fines or penalties assessed for violations;

(17) "Fiscal half-year" means a six month period ending June 30th or December 31st.

Sec. 2. Section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director (~~of nine cents~~) at a rate computed in the manner provided in section 6 of this 1977 amendatory act for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36-.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. Any person paying such excise tax who, in turn, sells or distributes such fuel to another, whether or not for use, shall include the tax as part of the selling price of the fuel. Any person thereafter paying a price for such fuel which includes an increment for the tax imposed hereunder, and who subsequently resells said fuel, shall include the increment so paid as part of the selling price of the fuel. The tax imposed hereunder shall be in addition to any other tax required by law,

and shall not be imposed under circumstances in which the tax is prohibited by the Constitution or laws of the United States. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the ~~((nine cents))~~ motor vehicle fuel excise tax collected on the net gallonage after the deduction provided for herein and after the deductions for refunds and costs of collection as provided in RCW 46.68.090 as now or hereafter amended, shall be distributed as ~~((follows:~~

~~(1) Six and seven-eighths cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended:~~

~~(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to RCW 46.68.150:~~

~~(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080:~~

~~(4) Three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350:~~

~~(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by *this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090))~~ provided in RCW 46.68.100, as now or hereafter amended.

Sec. 3. Section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100 are each amended to read as follows:

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay ~~((a))~~ an excise tax ~~((of nine cents))~~ at the rate computed in the manner provided in section 6 of this 1977 amendatory act for each gallon thereof so sold, distributed, or used during the fiscal half-year for which such rate is applicable in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel excise tax in RCW 82.36.020 as now or hereafter amended. However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state. Under such conditions, the importer shall be exempt from the requirements of this section. For failure to comply with the terms of this chapter such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as

is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors.

Sec. 4. Section 3, chapter 22, Laws of 1963 ex. sess. as amended by section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030 are each amended to read as follows:

In consideration of the use of the public highways of this state, motor carriers who import motor vehicle fuel into the state of Washington in the fuel supply tank or tanks of commercial motor vehicles for use in propelling said vehicles on said highways shall be subject to a tax for such use of the highways as hereinafter provided. A tax at the rate ~~((of nine cents))~~ computed in the manner provided in section 6 of this 1977 amendatory act per gallon is hereby imposed upon every motor carrier measured and determined by the number of gallons of motor vehicle fuel so imported and actually used by such motor carrier in its operations within this state during the fiscal half-year for which such rate is applicable.

Sec. 5. Section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 62, Laws of 1975 1st ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax ~~((of nine cents))~~ at the rate computed in the manner provided in section 6 of this 1977 amendatory act per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle ~~((-PROVIDED; That in order to encourage experimentation with nonpolluting fuels, no tax shall be imposed upon the use of natural gas as herein defined or on liquefied petroleum gas, commonly called propane, which is used in any motor vehicle until July 1, 1977))~~ during the fiscal half-year for which such rate is applicable.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2)(b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

NEW SECTION. Sec. 6. There is added to chapter 82.36 RCW a new section to read as follows:

(1) (a) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of motor vehicles shall compute a motor vehicle fuel tax rate to the nearest one-half cent per gallon of motor vehicle fuel by multiplying twenty-one and one-half percent times the weighted average retail sales price of motor vehicle fuel, per gallon, sold within the state in the third

month of such fiscal half-year. The department of motor vehicles shall determine the weighted average retail sales price of motor vehicle fuel by state-wide sampling and survey techniques designed to reflect such prices for the third month of such fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.

(b) Subject to provisions of subsections (2) and (3) of this section the excise tax rate computed in the manner provided in subsection (1) of this section shall apply to the sale, distribution, or use of motor vehicle fuel beginning the fiscal half-year following computation of the rate and shall remain in effect for each succeeding fiscal half-year until a subsequent computation requires a change in the rate. For the first fiscal half-year after the effective date of this 1977 amendatory act, the motor vehicle fuel tax shall be eleven cents per gallon.

(2) (a) The motor vehicle fuel tax rate for any fiscal half-year shall not exceed twelve cents per gallon nor exceed a rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of motor vehicles computes the excise tax rate for the ensuing fiscal half-year of a biennium, the department shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other state revenues which will accrue to the motor vehicle fund during the full biennium. The estimated total aggregate motor vehicle fuel tax revenues for the biennium shall include those revenues which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues which the department determines will accrue during the remaining fiscal half-years of the biennium, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the remaining fiscal half-years of the biennium shall be at the same volume as during the fiscal half-year last ended, adjusted however for the historic variations in sales, distribution, and use according to half-yearly periods and for projected trends, and at the weighted average retail sales price of motor vehicle fuel as last determined by the department of motor vehicles. The estimated total of all other state revenues to accrue to the motor vehicle fund during the biennium shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which have accrued to the motor vehicle fund for the half-year or half-years of the biennium that have then elapsed plus revenues which the department of highways with the concurrence of the office of program planning and fiscal management determines will accrue during the remaining fiscal half-years of the biennium, assuming that collections of such revenues for the remaining fiscal half-years of the biennium shall be at the same level as during the fiscal half-year just ended, adjusted however for historic variations in collections according to half-yearly periods and for projected trends, and shall include state revenues in the motor vehicle fund balance as of the end of the prior biennium as certified by the state treasurer, less an appropriate minimum balance for the biennium as determined by the department of highways with the concurrence of the office of program planning and fiscal management and the proceeds of the sale of bonds but shall not include reimbursements to the motor vehicle fund for services performed by the department of highways for others.

(c) If the estimated biennial aggregate motor vehicle fuel tax revenues as computed in paragraph (b) of this subsection, exceed the total of all appropriations, reappropriations, and transfers of state revenues from the motor vehicle fund for the biennium (less the estimated total of all other state revenues which will accrue to the motor vehicle fund during the biennium as computed in paragraph (b) of this subsection) by more than five percent thereof, the rate of the motor vehicle fuel tax (computed as provided in subsection (1) of this section) shall be reduced by one-half cent increments, commencing at the beginning of the ensuing fiscal half-year, as may be necessary to reduce such estimated total revenues for the full biennium to

within the total of such appropriations, reappropriations, and transfers plus five percent thereof.

(3) (a) Notwithstanding any other provisions of this section the excise tax rate for any fiscal half-year shall not be less than nine cents per gallon nor less than the rate as computed in this subsection.

(b) Each fiscal half-year at the time the department of motor vehicles computes the excise tax rate for the ensuing fiscal half-year of a fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues which will accrue to the motor vehicle fund during such fiscal year in the same manner that such revenues are estimated for a full biennium. If such estimated aggregate motor vehicle fuel tax revenues for the fiscal year are less than an amount equal to the aggregate motor vehicle fuel tax revenues collected during the fiscal year ending June 30, 1973, increased by six percent per year compounded annually for each year which has elapsed from June 30, 1973, to June 30th of the fiscal year for which estimated aggregate motor vehicle fuel tax revenues were computed, the department shall increase the rate of the excise tax by one-half cent increments, but not to exceed a total excise tax of twelve cents per gallon, commencing at the beginning of the ensuing fiscal half-year as necessary to produce estimated aggregate motor vehicle fuel tax revenues for such fiscal year as great as such revenues collected during the 1973 fiscal year increased by six percent per year compounded annually from June 30, 1973, to June 30th of the fiscal year for which such minimum half-yearly tax rate is being computed.

(4) (a) Except as otherwise provided in paragraph (b) of this subsection, if the department of highways receives notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, the highway commission shall give notice of the amount of such unanticipated funds to the department of motor vehicles which shall include such amount in the computation of the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section for purposes of computing the maximum rate of motor vehicle fuel tax as provided in this section.

(b) Upon receipt by the department of highways of notification that unanticipated federal funds in excess of one million dollars above appropriations of federal funds from the motor vehicle fund for a biennium will be received for expenditure during that biennium, if the highway commission determines that such funds or any part thereof may not legally or operationally be substituted for purposes for which state motor vehicle fund moneys have been appropriated, or determines that substitution of such federal funds for state funds would delay the construction of needed highway improvements, the highway commission shall forthwith notify the governor and the standing committees on transportation of the house and senate of its determination. If both the governor and the standing committees concur in the commission's determination, the unanticipated federal funds shall not be considered by the department of motor vehicles in computing the estimated total of all other state revenues to accrue during the biennium under paragraph (b) of subsection (2) of this section.

Sec. 7. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 215, Laws of 1975 1st ex. sess. and RCW 35.77.010 are each amended to read as follows:

(1) (~~Prior to July 1, 1968,)~~ The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years and shall file the same with the director of highways not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these

findings each such legislative body prior to July 1st of each year shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each one year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town shall have available advanced plans, looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. Such program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six year program of each city lying within an urban area shall contain a separate section setting forth the six year program for arterial street construction based upon its long range construction plan and formulated in accordance with regulations of the urban arterial board. The six year program for arterial street construction shall be submitted to the urban arterial board forthwith after its annual revision and adoption by the legislative body of the city. The six year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials only from the urban arterial trust account for the six year period. The arterial street construction program shall provide for a more rapid rate of completion of the long range construction needs of major arterial streets than for secondary and collector arterial streets, pursuant to regulations of the urban arterial board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) On and after July 1, 1976, each six year program forwarded to the director in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 8. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.090 are each amended to read as follows:

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and ((tuse)) special fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and ((tuse)) special fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of motor vehicles of the state of Washington in the administration of the motor vehicle fuel tax and the ((tuse)) special fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the ((tuse)) special fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount."

Sec. 9. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 51, Laws of 1977 and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid monthly as funds accrue the following sums ((as follows)):

(1) ~~((There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;~~

~~(2) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the highway commission, those sums as may be necessary to carry out the provisions of RCW 47.56.725 as now or hereafter amended, with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;~~

~~(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.~~

~~(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues)) To the cities and towns, to be distributed as provided by RCW 46.68.110, sums equal to six and ninety-two hundredths percent of the net tax amount;~~

~~(2) To the cities and towns, to be expended as provided by section 10 of this 1977 amendatory act, sums equal to four and sixty-one hundredths percent of the net tax amount;~~

~~(3) To the counties, sums equal to twenty-two and seventy-eight hundredths percent of the net tax amount out of which there shall be distributed from time to time, as directed by the highway commission, those sums as may be necessary to carry out the provisions of RCW 47.56.725, with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;~~

~~(4) To the urban arterial trust account in the motor vehicle fund, sums equal to seven and twelve hundredths percent of the net tax amount;~~

~~(5) To the state, to be expended as provided by RCW 46.68.130, sums equal to forty-five and twenty-six hundredths percent of the net tax amount;~~

~~(6) To the state, to be expended as provided by RCW 46.68.150 as now or hereafter amended, sums equal to six and ninety-five hundredths percent of the net tax amount;~~

~~(7) To the Puget Sound reserve account in the motor vehicle fund sums equal to three and twenty-one hundredths percent of the net tax amount;~~

~~(8) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to three and fifteen hundredths percent of the net tax amount.~~

~~Nothing in this section or in RCW 46.68.090 as now or hereafter amended or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor and special vehicle fuels.~~

NEW SECTION. Sec. 10. There is added to chapter 46.68 RCW a new section to read as follows:

The sums distributed to cities and towns as set forth in subsection (2) of RCW 46.68.100, as now or hereafter amended, shall be allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050, to be used exclusively for the construction, improvement, and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963, in the construction, improvement, and repair of arterial highways and city streets.

Sec. 11. Section 9, chapter 83, Laws of 1967 ex. sess. and RCW 46.68.150 are each amended to read as follows:

The ((proceeds of five-eighths of one cent of motor vehicle fuel tax and use fuel tax) sums distributed to the state pursuant to RCW ((82.36.020(2), after proper deductions for refunds and costs of collection as provided in RCW 46.68.090)) 46.68.100(6) as now or hereafter amended, and the proceeds of bonds issued and

sold pursuant to RCW 47.26.400 through 47.26.407 shall be expended by the state highway commission for construction and improvement of state highways in urban areas as provided for in RCW 47.26.040 through 47.26.070 or for payment of principal and interest on bonds issued pursuant to RCW 47.26.400 through 47.26.407; PROVIDED, That at the end of each fiscal quarter the state treasurer shall determine the amount, if any, that the sums distributed to the state pursuant to RCW 46.68.100(6) as now or hereafter amended exceed an amount equivalent to the proceeds of five-eighths of one cent motor vehicle and special fuel excise tax collected on the net gallonage after the deductions provided for in RCW 82.36.020 for the preceding fiscal quarter. The amount so ascertained shall be available first to repay the counties, cities, and towns for any moneys derived from excise taxes on motor vehicle and special fuels distributable to the counties, cities, and towns pursuant to RCW 46.68.100 but as a result of the pledge and debt service payment provisions contained in RCW 47.26.404 and 47.26.405 and as certified by the state finance committee have been used to repay state urban bonds (and interest thereon) authorized by RCW 47.26.400 through 47.26.407, and after such sums have been repaid in full, then for expenditure as provided in RCW 46.68.130.

Sec. 12. Section 10, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.040 are each amended to read as follows:

The term "urban area" means every area of this state designated as an urban area by the state highway commission with the approval of the federal (~~department of the~~) secretary of transportation (~~or the federal highway administrator~~) in accordance with federal law, hereafter referred to as federally approved urban areas, or areas within incorporated cities ((as determined by the office of program planning and fiscal management)).

Sec. 13. Section 24, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.180 are each amended to read as follows:

Arterial designation and classification, as provided for by this chapter, shall be required to be an integral and coordinated portion of its planning process as authorized by chapters 35.63 or 36.70 RCW. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer and its planning office divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as major arterials, secondary arterials, and collector arterials, all in accordance with uniform standards established by the urban arterial board: PROVIDED, That incorporated cities lying outside federally approved urban areas shall not be required to subdivide arterials into functional classes. Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with its uniform standards for classifying urban arterials.

Sec. 14. Section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 2, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.190 are each amended to read as follows:

~~((Once each calendar quarter, the urban arterial board shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales, anticipatory notes and interfund loans, which are available for the construction and improvement of urban arterials among)) (1) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 ((relating to the apportionment of state urban funds))~~

for that biennium, except calculations of needs shall be based upon a projection of needs for the ensuing six year period as determined by the state highway commission. Except as otherwise provided in subsection (3) of this section, such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board.

(2) All amounts credited to the urban arterial trust account, except those provided for in subsection (3) of this section and except proceeds from the sale of first authorization bonds and any funds that may be required to repay such bonds or the interest thereon when due, after apportionment to each region, shall be divided on the basis of relative population established at the beginning of each biennium by the office of program planning and fiscal management between (a) the group of cities and that portion of those counties within federally approved urban areas and (b) the group of incorporated cities outside the boundaries of federally approved urban areas. Within each region, funds divided between the groups identified under (a) and (b) above shall then be allocated by the urban arterial board to incorporated cities and counties, as the case may be, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

(3) At the beginning of each biennium the urban arterial board shall establish apportionment percentages for each of the five regions for the apportionment of the proceeds from the sale of fifteen million dollars of series II bonds authorized by RCW 47.26.420, as now or hereafter amended, in the ratio which the population of the incorporated cities and towns lying outside the boundaries of federally approved urban areas of each region bears to the total population of all incorporated cities and towns of the state lying outside the boundaries of federally approved urban areas, as such populations are determined at the beginning of each biennium by the office of program planning and fiscal management. Such apportionment percentages shall be used once each calendar quarter by the urban arterial board to apportion funds credited to the urban arterial trust account which are available for expenditure for urban arterial projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules and regulations of the urban arterial board. Funds apportioned to each region shall be allocated by the urban arterial board to incorporated cities lying outside the boundaries of federally approved urban areas, for the construction of specific urban arterial projects in accordance with the procedures set forth in RCW 47.26.240.

Sec. 15. Section 30, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.240 are each amended to read as follows:

Upon receipt of a county's or city's revised six year program, the urban arterial board as soon as practicable shall review and may revise the construction program as it relates to urban arterials for which urban arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 47.26.220, in relation to proposed projects in all other urban arterial construction programs submitted by the cities and counties ((in the same region)), and within each region, projects proposed by the group of cities and counties within federally approved urban areas shall be evaluated separately from the projects proposed by the group of incorporated cities outside the boundaries of federally approved urban areas; and (2) the amount of urban arterial trust account funds which the urban arterial board estimates will be apportioned to the region, and further divided between the group of cities and counties within federally approved urban areas and the group of incorporated cities outside the boundaries of federally approved urban areas, in the ensuing six year period.

Sec. 16. Section 33, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.270 are each amended to read as follows:

Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall be established by regulations recommended by the urban arterial board subject to review, revision, and final approval by the state highway commission. Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes: PROVIDED HOWEVER, That for projects funded subsequent to the effective date of this 1977 amendatory act, and prior to July 1, 1983, cities and counties may use as matching funds any moneys received from any source, except such moneys which by law may not be used for the purposes set forth in this chapter.

Sec. 17. Section 41, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.405 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due(~~(; subject to the proviso of this section);~~) shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state under the provisions of RCW ((82.36.020-(2))) 46.68.100(6) as now or hereafter amended for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 18. Section 45, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.420 are each amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there (~~((shall be issued and sold))~~) are hereby authorized for issuance general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of two hundred million dollars ((or such amount thereof)), and the second authorization of which, to be known as series II bonds, shall be in the sum of sixty million dollars which shall be issued and sold in such amounts and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission.

Sec. 19. Section 49, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.424 are each amended to read as follows:

Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 (~~RCW and chapter 82.40~~), 82.37, and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.420 through 47.26.427, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.420 through 47.26.427.

Sec. 20. Section 50, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.425 are each amended to read as follows:

Any funds required to repay (~~such~~) the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18 of this 1977 amendatory act or the interest thereon when due, (~~subject to the proviso of this section,~~) shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

NEW SECTION. Sec. 21. There is added to chapter 47.26 RCW a new section, to be codified as RCW 47.26.4251 and to become a part of the series of RCW sections 47.26.420 through 47.26.427, to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as amended by section 18 of this 1977 amendatory act, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as amended by section 18 of this 1977 amendatory act. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 as now or hereafter amended. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II bonds or interest on said bond issues.

Sec. 22. Section 14, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.080 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban

arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the urban arterial board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with section 21 of this 1977 amendatory act, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

NEW SECTION. Sec. 23. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977, except for section 9, which shall take effect on September 1, 1977."

In line 1 of the title, after "taxation;" strike the remainder of the title, and insert "amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010; amending section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020; amending section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100; amending section 3, chapter 22, Laws of 1963 ex. sess. as amended by section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030; amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 62, Laws of 1975 1st ex. sess. and RCW 82.38.030; amending section 35.77.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 215, Laws of 1975 1st ex. sess. and RCW 35.77.010; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.090; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 51, Laws of 1977 and RCW 46.68.100; amending section 9, chapter 83, Laws of 1967 ex. sess. and RCW 46.68.150; amending section 10, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.040; amending section 14, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.080; amending section 24, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.180; amending section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 2, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.190; amending section 30, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.240; amending section 33, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.270; amending section 41, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.405; amending section 45, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.420; amending section 49, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.424; amending section 50, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.425; adding a new section to chapter 46.68 RCW; adding new sections to chapter 47.26 RCW, one of which is to be codified as RCW 47.26.4251; adding a new section to chapter 82.36 RCW; declaring emergency; and providing effective dates.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2537.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2537, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 9; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Gaspard, Goltz, Gould, Guess, Henry, Herr, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Odegaard, Peterson, Rohrbach, Sandison, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—30.

Voting nay: Senators Grant, Jones, Murray, Newschwander, North, Pullen, Ridder, von Reichbauer—9.

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

Excused: Senators Buffington, Day, Fleming, Francis, Hayner, Keefe, Rasmussen, Woody—8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2537, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:18 a.m., on motion of Senator Walgren, the Senate recessed until 11:00 a.m., Tuesday, June 21, 1977.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ONE HUNDRED THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 21, 1977.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Buffington, Donohue, Fleming, Francis, Hayner, Herr, McDermott, Monohon, Newschwander, Rohrbach, Scott and Woody. On motion of Senator Jones, Senators Buffington, Hayner and Newschwander were excused. On motion of Senator Odegaard, Senators Donohue, Fleming, Francis, Herr, McDermott, Monohon and Woody were excused.

The Color Guard, consisting of Pages Jennifer Milton and Darrell Duvauchelle, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE ASK YOU TO ACCEPT MY BRIEF APPEARANCE TODAY AND THAT OF MY COLLEAGUES EACH DAY AT THE BEGINNING OF EACH SESSION AS ONE OF THE MOST IMPORTANT VOTES CAST IN THIS CHAMBER—A VOTE THAT INDICATES OUR FAITH IN YOU, OUR TRUST IN YOU, THAT WE ARE ON OUR WAY TO LIFE WITH YOU. EACH DAY WE HAVE SILENTLY, IN RESPONSE TO THE CALL OF THE PRESIDENT, REVERENTLY GATHERED HERE TO PRESENT OURSELVES TO YOU WITH OUR HOPES AND FRUSTRATIONS, OUR FEARS AND OUR FAILURES. WE DO SO AGAIN TODAY WITH THE REALIZATION THAT THE END IS NEAR FOR THIS SESSION.

"HEAL WHAT NEEDS HEALING, LORD. LET US REMEMBER THAT NO MATTER HOW WELL DRAFTED IS THE LAW, MORE IMPORTANT IS THE SPIRIT WE BRING TO LAW. LET THERE BE A SPIRIT OF ACCEPTANCE OF EACH OTHER IN OUR HEARTS IN THIS GREAT AND BEAUTIFUL STATE SO THAT INSTEAD OF BEING HINDERED BY OUR DIFFERENCES, BE THEY POLITICAL, RELIGIOUS OR CULTURAL THAT WITH YOUR HELP WE CAN BE ASSISTED BY OUR DIFFERENCES. THEN WE CAN BEGIN TO SEE OTHER VALUES AND CONCERNS AND NEEDS AND ENJOY LIVING TOGETHER IN PEACE AND GOOD WILL FOR EACH OTHER IN THIS STATE OF WASHINGTON THAT SO BOUNTIFULLY REVEALS YOUR BEAUTY AND POWER AND GOODNESS. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

June 20, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 960, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 20, 1977.

Mr. President: The House has receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 2522, and has passed the bill without the House amendment, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 20, 1977.

Mr. President: The Speaker has signed: SENATE BILL NO. 2441, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

June 20, 1977.

Mr. President: The House insists on its position on the Senate amendment to page 5, beginning on line 20, to SUBSTITUTE HOUSE BILL NO. 3, and once again asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate adhered to its position on the Senate amendment to page 5, beginning on line 20 to Substitute House Bill No. 3 and asks for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 3 and the Senate amendment thereto: Senators Bottiger, Benitz and Morrison.

MOTION

On motion of Senator Walgren, the appointments were confirmed.

MOTION

At 11:28 a.m., on motion of Senator Walgren, the Senate was declared to be at ease subject to the Call of the President.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

At 2:00 p.m., the President declared the Senate to be at ease.

The President called the Senate to order at 5:35 p.m.

MESSAGES FROM THE HOUSE

June 21, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 980, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 446, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 960, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Jones, Senators Gould and Murray were excused.

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 3 and the Senate amendment to page 5, beginning on line 20, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Kilbury, Sommers and Oliver, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 21, 1977.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 3, as amended by the Senate have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

That the Senate amendments to page 2, line 13; to page 5, line 30; and to page 5, line 33 be adopted;

That the Senate amendment to page 5, line 20, be not adopted, and the following amendment be substituted:

On page 5, beginning on line 20, strike all of subsection (a) and (b) and insert the following:

"(a) Fifty percent to the state general fund for the support of schools; and

(b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts."

Signed by: Senators Bottiger, Benitz and Morrison; Representatives Kilbury, Oliver and Sommers.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Substitute House Bill No. 3.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 446,
SUBSTITUTE HOUSE BILL NO. 960,
SUBSTITUTE HOUSE BILL NO. 980.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2522,

SUBSTITUTE SENATE BILL NO. 2537.

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3109, and has granted said committee powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 21, 1977.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred Substitute Senate Bill No. 3109, as amended by the House, adopting the 1977-79 operating budget, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following bill:

AN ACT Adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979; making other appropriations; designating effective dates for certain appropriations; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. A budget is hereby adopted and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, other expenses of the agencies and officers of the state, and for other specified purposes for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	16,882,000
Total Appropriation	\$	16,882,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$13,000 shall be expended for expenses incurred in hosting the 1978 annual meeting of The Council of State Governments, Western Conference.
- (2) \$7,500 for the house ethics committee.
- (3) \$7,500 for Western Forest Practices Task Force.
- (4) \$27,000 for dues of the National Conference of State Legislatures.
- (5) \$50,000 for a forest residue use study.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation	\$	15,193,000
Total Appropriation	\$	15,193,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$25,000 shall be expended for expenses incurred in hosting the 1977 Lieutenant Governors' Annual Conference.

- (2) \$7,500 for the senate ethics committee.
- (3) \$7,500 for Western Forest Practices Task Force.
- (4) \$27,000 for dues of the National Conference of State Legislatures.
- (5) Not more than \$12,000 shall be expended for expenses incurred in hosting the 1978 annual meeting of the Council of State Governments, Western Conference.

NEW SECTION. Sec. 4. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$	917,000
Total Appropriation	\$	917,000

NEW SECTION. Sec. 5. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation	\$	890,000
Total Appropriation	\$	890,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The Office of the State Actuary and the Legislative Evaluation Accountability Program administration shall cooperate, act, and function together in the development and maintenance of the Actuarial Computer System required by the Office of the State Actuary.

(2) This appropriation shall be contingent upon chapter ... (ESHB 660), Laws of 1977 1st ex. sess. becoming law.

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation	\$	304,000
Total Appropriation	\$	304,000

The appropriation contained in this section shall be subject to the following condition or limitation: The Office of the State Actuary and the Legislative Evaluation Accountability Program administration shall cooperate, act, and function together in the development and maintenance of the Actuarial Computer System required by the Office of the State Actuary.

NEW SECTION. Sec. 7. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$	3,013,000
Total Appropriation	\$	3,013,000

NEW SECTION. Sec. 8. FOR THE SUPREME COURT

General Fund Appropriation	\$	3,810,000
Total Appropriation	\$	3,810,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$1,039,000 shall be expended for indigent appeal cases.

NEW SECTION. Sec. 9. FOR THE LAW LIBRARY

General Fund Appropriation	\$	1,056,000
Total Appropriation	\$	1,056,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$36,000 shall be expended exclusively for joining a computerized legal information system.

(2) The Revised Code of Washington and appellate case law shall be available on the computerized legal information system.

(3) All nonstate agency users of the system shall be charged a service fee sufficient to cover the costs of their usage.

NEW SECTION. Sec. 10. FOR THE COURT OF APPEALS

General Fund Appropriation	\$	4,228,000
Total Appropriation	\$	4,228,000

NEW SECTION. Sec. 11. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	5,946,000
Total Appropriation	\$	5,946,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$110,000 shall be expended for judges pro tem for the superior courts and the administrator for the courts shall authorize and approve all such expenditures.
- (2) \$4,397,000 shall be for superior court judges.
- (3) Not more than \$100,000 shall be expended for criminal cost bills, including prior claims.
- (4) Not more than \$684,000 in state funds shall be expended exclusively for the development of a judicial information system.

NEW SECTION. Sec. 12. FOR THE JUDICIAL COUNCIL

General Fund Appropriation	\$	186,000
Total Appropriation	\$	186,000

NEW SECTION. Sec. 13. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	2,437,000
General Fund Appropriation—Federal	\$	200,000
Total Appropriation	\$	2,637,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$2,339,000 for executive operations. \$20,000 of such amount shall be expended for negotiating reciprocal agreements with adjoining states.
- (2) \$20,000 for investigation and emergency purposes to be distributed on vouchers approved by the governor.
- (3) \$184,000 for extradition expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives when approved by the governor, including prior claims and for legal services as determined by the attorney general.
- (4) \$94,000 for mansion maintenance.

NEW SECTION. Sec. 14. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$	149,824,000
General Fund Appropriation—Federal	\$	20,598,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	57,968,000
Total Appropriation	\$	228,390,000

The appropriations contained in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

- (1) \$1,330,000 shall be for the governor's emergency fund and shall be allocated for carrying out the critically necessary work of any agency of which not more than \$700,000 may be allotted by the governor for surveys and installations.
- (2) \$20,000 for the Interstate Nuclear Compact.
- (3) \$56,000 for the Council of State Governments.
- (4) \$15,000 for the National Association of State Auditors, Comptrollers, and Treasurers Conference.
- (5) Not more than \$63,783,000 of general fund moneys (including \$16,087,000 in federal funds) shall be expended to effect salary increases for state classified

employees and for state employees exempt from the classified service. Not more than \$50,029,000 of this amount (including \$12,617,000 in federal funds) shall be expended to effect, beginning July 1, 1977, an average of 10% salary increases, for state classified employees and for state employees exempt from the classified service. Not more than \$13,754,000 of this amount (including \$3,470,000 in federal funds) shall be expended to effect, beginning July 1, 1978, an average of 5% salary increases, for state classified employees and for state employees exempt from the classified service.

(6) Not more than \$24,037,000 of general fund moneys shall be expended to effect salary increases for state higher education classified employees excluding student employees not under the jurisdiction of the State Personnel Board or Higher Education Personnel Board. Not more than \$18,852,000 of this amount shall be expended to effect, beginning July 1, 1977, an average of 10% salary increases, for state higher education classified employees. Not more than \$5,185,000 of this amount shall be expended to effect, beginning July 1, 1978, an average of 5% salary increases, for state higher education classified employees.

(7) Not more than \$31,266,000 of these general fund moneys shall be expended to effect salary increases including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. Not more than \$15,479,000 of this amount shall be expended to effect, beginning July 1, 1977, an average 6% salary increase including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. Not more than \$5,468,000 of this amount shall be expended to effect, beginning July 1, 1978, an average 4% salary increase including increments or their equivalents for faculty and exempt employees of the four-year units of higher education. It is the intent of the Legislature to strive for equity in faculty and exempt salaries for the four-year units of higher education. To this end, not more than \$8,873,000 of this amount shall be expended to effect additional salary increases for faculty and exempt employees, effective July 1, 1977, averaging 4% for the University of Washington, Washington State University, and Western Washington State College, and averaging 2% for Eastern Washington State College and not more than \$1,446,000 of this amount shall be expended to effect salary increases for faculty and exempt employees, effective July 1, 1978, averaging 1% for the University of Washington, Washington State University, and Western Washington State College, and Eastern Washington State College: PROVIDED, That no four-year unit of higher education may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees.

(8) Not more than \$18,134,000 of these general fund moneys shall be expended to effect salary increases including increments or their equivalents for faculty and exempt employees of the community college system. Not more than \$14,223,000 of this amount shall be expended to effect, beginning July 1, 1977, an average 10% salary increase including increments or their equivalents for faculty and exempt employees of each community college district: PROVIDED, That no district may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees except that in addition to the increase provided herein, those districts whose actual average faculty salary for 1976-77 is less than that earned from the system's 1976-77 hypothetical schedule may increase the average salary of the faculty and exempt employees in 1977-78 up to the average earned by the district from the hypothetical schedule or 5% whichever is less, as determined from rules and regulations promulgated by the State Board for Community College Education.

Not more than \$3,911,000 of this amount shall be expended to effect, beginning July 1, 1978, an average 5% salary increase including increments or their equivalents for faculty and exempt employees of each community college district: PROVIDED, That no district may grant from any fund source any additional salary increase greater than that provided in this act for faculty and exempt employees, except that in addition to the increase provided herein, those districts whose actual average faculty salary for 1977-78 is less than that earned from the system's 1977-78 hypothetical schedule may increase the average salary of faculty and exempt employees in 1978-79 up to the average earned by the district from the hypothetical schedule or 5% whichever is less, as determined from rules and regulations promulgated by the State Board for Community College Education.

(9) Not more than \$208,000 of general fund moneys (including \$39,000 in federal funds) shall be expended to effect salary increases for commissioned members of the Washington State Patrol. Not more than \$163,000 of this amount (including \$31,000 in federal funds) shall be expended to effect, beginning July 1, 1977, an average 10% salary increase, for commissioned members of the Washington State Patrol. Not more than \$45,000 of this amount (including \$8,000 in federal funds) shall be expended to effect, beginning July 1, 1978, an average 5% salary increase, for commissioned members of the Washington State Patrol: PROVIDED, That no additional salary increases may be granted from any fund source greater than those authorized by this act: PROVIDED FURTHER, That the Department of Personnel shall conduct a comprehensive survey for providing salary rates for positions similar (both in-state and out-of-state) to commissioned members of the Washington State Patrol and report back to the Legislature no later than January 15, 1978.

(10) Not more than \$31,573,000 of general fund moneys (including \$4,472,000 in federal funds) shall be expended to effect, beginning July 1, 1977, an increase in the state's maximum contribution for employee insurance benefits from \$35 per month to \$72.50 per month per eligible employee.

(11) Not more than \$46,685,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to provide salary increases for state classified employees, state employees exempt from the classified service, higher education classified employees and commissioned members of the Washington State Patrol. Not more than \$36,616,000 of this amount shall be expended to effect, beginning July 1, 1977, an average of 10% salary increases. Not more than \$10,069,000 of this amount shall be expended to effect, beginning July 1, 1978, an average of 5% salary increases.

(12) Not more than \$97,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to effect salary increases including increments or their equivalents for University of Washington faculty and exempt employees. Not more than \$45,000 of this amount shall be expended to effect, beginning July 1, 1977, an average 6% increase including increments or their equivalents. Not more than \$16,000 of this amount shall be expended to effect, beginning July 1, 1978, an average 4% increase including increments or their equivalents. It is the intent of the Legislature to strive for equity in faculty and exempt salaries for the four-year units of higher education. To this end, not more than \$31,000 shall be expended to effect additional salary increases, effective July 1, 1977, averaging 4% and not more than \$5,000 shall be expended to effect additional salary increases, effective July 1, 1978, averaging 1%.

(13) Not more than \$11,186,000 of Special Fund Salary and Insurance Contribution Increase Revolving Fund moneys shall be expended to effect, beginning July 1, 1977, an increase in the state's maximum contribution for employee insurance benefits from \$35 per month to \$72.50 per month per eligible employee.

(14) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special

funds, the state treasurer is hereby directed to transfer sufficient income from each special fund to the Special Fund Salary and Insurance Contribution Increase Revolving Fund hereby created in accordance with schedules provided by the Office of Program Planning and Fiscal Management.

NEW SECTION. Sec. 15. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	148,000
Total Appropriation	\$	148,000

NEW SECTION. Sec. 16. FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	2,439,000
Total Appropriation	\$	2,439,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$800,000 shall be expended for support of the initiatives and referendums program.
- (2) Not more than \$240,000 shall be spent on advertising for initiatives and referendums.

NEW SECTION. Sec. 17. FOR THE JAIL COMMISSION

General Fund Appropriation	\$	200,000
Total Appropriation	\$	200,000

The appropriation contained in this section shall be contingent upon R2SSB 2040 becoming law: PROVIDED, That no more than \$250,000 from all state sources shall be expended to carry out the provisions of this act: PROVIDED FURTHER, That this appropriation shall fund such commission through fiscal year 1978.

NEW SECTION. Sec. 18. FOR THE GOVERNOR'S INDIAN ADVISORY COUNCIL

General Fund Appropriation	\$	156,000
Total Appropriation	\$	156,000

NEW SECTION. Sec. 19. FOR THE WASHINGTON STATE WOMEN'S COUNCIL

General Fund Appropriation	\$	198,000
Total Appropriation	\$	198,000

NEW SECTION. Sec. 20. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	107,000
Total Appropriation	\$	107,000

NEW SECTION. Sec. 21. FOR THE STATE TREASURER

General Fund Appropriation	\$	3,000
Motor Vehicle Fund Appropriation	\$	29,000
State Treasurer's Service Fund Appropriation	\$	2,953,000
Total Appropriation	\$	2,985,000

The appropriations contained in this section shall be subject to the following condition or limitation: The general fund appropriation shall be distributed as provided in RCW 84.38.120 to the appropriate county and city finance officers for senior citizen and disabled property tax and special assessment deferrals authorized by chapter 84.38 RCW.

NEW SECTION. Sec. 22. FOR THE STATE AUDITOR

General Fund Appropriation—State	\$	4,772,000
General Fund Appropriation—Federal	\$	415,000
Motor Vehicle Fund Appropriation	\$	150,000

Total Appropriation \$ 5,337,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) At least \$20,000 of the general fund appropriation shall be used to perform an audit of the implementation of the 106% limit on property tax levies in the 39 counties.

(2) Within the funds appropriated and where feasible, word processing equipment is to be purchased rather than leased.

(3) Legal costs incurred by the attorney general to insure compliance with the findings of the state auditor in state agency audits shall be charged to the agency that received the audit.

NEW SECTION. Sec. 23. FOR THE ATTORNEY GENERAL

General Fund Appropriation \$ 2,127,000
 Legal Services Revolving Fund Appropriation \$ 11,377,000
 Total Appropriation \$ 13,504,000

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$90,000 shall be expended exclusively to provide attorney general services for Counsel for the Environment.

NEW SECTION. Sec. 24. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation \$ 7,090,000
 Total Appropriation \$ 7,090,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$5,903,000 for operations. \$20,000 of the \$5,903,000 for operations shall only be expended for the purpose of entering into a contract with the bureau of the census for block statistics and for preparing maps and related materials for those areas specified in chapter ... (SSB 2356), Laws of 1977 1st ex. sess.

(2) Not more than \$1,140,000 shall be expended for supplies and services furnished in previous biennia.

(3) Not more than \$75,000 shall be expended for payment of assessments against state owned lands.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF PERSONNEL

Personnel Service Revolving Fund—State \$ 6,048,000
 Personnel Service Revolving Fund—Federal \$ 440,000
 State Employees' Insurance Fund \$ 1,078,000
 Data Processing Revolving Fund Appropriation \$ 2,930,000
 Total Appropriation \$ 10,496,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$45,000 shall be expended as payments of Employee Suggestion Awards.

(2) \$85,000 of the Personnel Service Revolving Fund appropriation shall be reimbursable from the Department of Social and Health Services for the biennial costs of the Department of Personnel State Employees' Alcoholism Program established in accordance with RCW 70.96A.080.

(3) All expenses of the state employees' insurance board shall be paid from the State Employees' Insurance Fund.

(4) The Department shall conduct a comprehensive survey of providing salary rates for positions similar (both in-state and out-of-state) to commissioned members of the Washington State Patrol and report back to the Legislature no later than January 15, 1978.

NEW SECTION. Sec. 26. FOR THE CAPITOL COMMITTEE

General Fund—Capitol Building Construction

Account Appropriation	\$	20,000
Total Appropriation	\$	20,000

NEW SECTION. Sec. 27. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$	855,000
Data Processing Revolving Fund Appropriation	\$	26,396,000
Total Appropriation	\$	27,251,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The authority shall approve the billing rates charged by the state's data processing service centers. The billing format shall be developed in such a manner as to allow rate comparisons between service centers. Initial approval by the authority shall be completed no later than January 1, 1978.

(2) Not more than \$12,384,000 of the data processing revolving fund appropriation shall be expended exclusively for data processing service center number one.

(3) Not more than \$8,847,000 of the data processing revolving fund appropriation shall be expended exclusively for data processing service center number three.

(4) Not more than \$5,165,192 of the data processing revolving fund appropriation shall be expended exclusively for the data processing equipment pool.

(5) Data processing service centers number one and three shall submit, no later than April 1, 1978, an integrated management and budget plan for fiscal year 1979 for approval by the office of program planning and fiscal management and the legislative budget committee.

NEW SECTION. Sec. 28. FOR THE FINANCE COMMITTEE

General Fund—Investment Reserve Account Approp-

riation	\$	768,000
Total Appropriation	\$	768,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The committee shall assume full responsibility for the investment management of the state trust and retirement funds.

(2) Not more than \$120,000 of the appropriation contained in this section shall be expended exclusively for the purpose of developing the computerized investment management and accounting system.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	25,595,000
State Timber Reserve Fund Appropriation	\$	1,885,000
Motor Vehicle Fund Appropriation	\$	81,000
Total Appropriation	\$	27,561,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall make every effort to maintain current audit recovery and increase this recovery by at least \$3,800,000 over the 1975-77 biennium.

(2) \$10,000 of the general fund appropriation may be used to contract with Boeing Computer Services for the econometric model: PROVIDED, That the contract is written to include the legislature as well as state agencies.

NEW SECTION. Sec. 30. FOR THE TAX APPEALS BOARD

General Fund Appropriation	\$	604,000
Total Appropriation	\$	604,000

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	7,897,000
Department of General Administration Facilities and Services Revolving Fund Appropriation	\$	8,675,000
General Fund—Motor Transport Account Appropria- tion	\$	4,266,000
Total Appropriation	\$	20,838,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$560,000 of the general fund appropriation may be expended for continued maintenance of the facilities at Northern State Hospital.

(2) Not more than \$35,000 of the general fund appropriation shall be expended for the Migrant Campsite Advisory Council established by the director to extend the Buena pilot project contingent upon chapter ... (SB 2667), Laws of 1977 1st ex. sess. becoming law.

(3) \$70,000 of the general fund appropriation shall be expended solely to provide for the premium costs of insurance coverage for all state-owned, state-chartered, state-rented, or state employee-owned aircraft being used on authorized state business, including passengers. This coverage shall be in force for all such aircraft, whether piloted by a state employee or by an employee or employees of a charter or rental firm.

(4) \$631,000 of the motor transport account appropriation may only be expended for increased operating costs associated with additional vehicles being transferred to the Motor Transport Division from other state agencies and for no other purpose. Such funds shall not be available for allotment until a plan for the transfer of vehicles shall have been reviewed and approved by the Office of Program Planning and Fiscal Management. A report of any amounts approved for allotment shall be filed with the legislative auditor and the auditor shall transmit such report to the senate committee on ways and means and the house committee on appropriations.

(5) The Department of Agriculture shall transfer \$79,000 from its local fund accounts to the motor transport account and the state treasurer shall transfer to the motor transport account \$126,000 from the state general fund, \$63,000 from the grain and hay inspection fund, \$8,000 from the fertilizer, agricultural, mineral and lime fund, \$27,000 from the accident fund, and \$4,000 from the commercial feed fund. These transfers shall be in accordance with schedules provided by the Office of Program Planning and Fiscal Management.

NEW SECTION. Sec. 32. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	4,712,000
Total Appropriation	\$	4,712,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$1,069,829 shall be expended exclusively for support of the Fire Safety and Regulation Program.

(2) Whenever the Insurance Companies Reimbursement Fund—Local exceeds \$269,000, there shall be a corresponding increase in unexpended state funds.

NEW SECTION. Sec. 33. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premi- ums tax distribution	\$	2,064,000
General Fund Appropriation for snowmobile registration fee distribution	\$	34,000
General Fund Appropriation for public utility district excise tax distribution	\$	13,728,000

General Fund Appropriation for prosecuting attorneys salaries	\$	1,129,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	32,270,000
General Fund Appropriation for local mass transit assistance	\$	47,174,000
General Fund Appropriation for travel trailer and camper excise tax distribution	\$	1,687,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	244,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	16,360,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	134,042,000
Liquor Board Revolving Fund Appropriation for liquor profits distribution	\$	44,600,000
State Timber Tax Account "A" Appropriation for distribution to "Timber" Counties	\$	26,580,000
State Timber Reserve Account Appropriation for distribution to "Timber" Counties	\$	37,260,000
NEW SECTION. Sec. 34. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION		
Forest Reserve Fund Appropriation for forest reserve fund distribution	\$	34,498,000
General Fund Appropriation for federal flood control funds distribution	\$	21,000
General Fund Appropriation for federal grazing fees distribution	\$	42,000
NEW SECTION. Sec. 35. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST		
Highway Bond Retirement Fund Appropriation	\$	66,286,000
Toll Bridge Authority Bond Redemption Fund 1977 Appropriation	\$	1,017,000
Public School Building Bond Redemption Fund 1959 Appropriation	\$	4,776,000
Public School Building Bond Redemption Fund 1961 Appropriation	\$	7,384,000
Public School Building Bond Redemption Fund 1963 Appropriation	\$	8,657,000
Public School Building Bond Redemption Fund 1965 Appropriation	\$	2,446,000
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,925,000
University of Washington Bond Retirement Fund Appropriation	\$	3,304,000
Washington State University Bond Retirement Fund Appropriation	\$	2,365,000
Washington State University Bond Redemption Fund 1977 Appropriation	\$	276,000
Central Washington State College Bond Retirement Fund Appropriation	\$	873,000
Eastern Washington State College Bond Retirement Fund Appropriation	\$	938,000

Western Washington State College Bond Retirement Fund Appropriation	\$	1,277,000
The Evergreen State College Bond Retirement Fund 1967 Appropriation.....	\$	374,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,393,000
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,234,000
Higher Education Bond Redemption Fund 1975-76 Appropriation	\$	2,028,000
University of Washington Hospital Bond Retirement Fund 1975 Appropriation.....	\$	849,000
State Higher Education Bond Redemption Fund 1977 Appropriation	\$	150,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,516,000
Community College Capital Construction Bond Redemption Fund 1975 Appropriation	\$	7,033,000
Indian Cultural Center Construction Bond Redemption Fund of 1976 Appropriation	\$	104,000
Community College Refunding Bond Retirement Fund 1974 Appropriation.....	\$	9,731,000
Community College Building Bond Retirement Fund 1977 Appropriation.....	\$	313,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	298,000
Institutional Building Bond Redemption Fund 1957 Appropriation	\$	3,569,000
State Building Construction Bond Redemption Fund Appropriation	\$	5,668,000
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation	\$	8,544,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	9,757,000
Fisheries Bond Redemption Fund 1976 Appropriation	\$	777,000
Fisheries Bond Redemption Fund 1977 Appropriation	\$	391,000
Fisheries Salmon Enhancement Bond Redemption Fund Appropriation	\$	391,000
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropriation	\$	624,000
General Administration Building Bond Redemption Fund Appropriation	\$	674,000
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,451,000
State Building Bond Redemption Fund 1967 Appropriation.....	\$	651,000
State Building Bond Retirement Fund 1975 Appropriation.....	\$	797,000
State Building Bond Redemption Fund 1973A Appropriation.....	\$	389,000
State Building Bond Redemption Fund 1973 Appropriation.....	\$	3,938,000
State Facilities Bond Redemption Fund 1977 Appropriation.....	\$	235,000

Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,001,000
State Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	1,496,000
Outdoor Recreational Bond Redemption Fund Appropriation	\$	2,323,000
Recreation Improvements Bond Redemption Fund Appropriation	\$	4,775,000
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	3,855,000
Outdoor Recreational Bond Redemption Fund 1967 Appropriation	\$	6,290,000
State Building Authority Bond Redemption Fund Appropriation	\$	9,916,000
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	8,740,000
Water Supply Facilities Bond Redemption Fund Appropriation	\$	8,166,000
Emergency Water Projects Bond Redemption Fund of 1977 Appropriation	\$	2,681,000

NEW SECTION. Sec. 36. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	746,000
Total Appropriation	\$	746,000

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS

General Fund Appropriation	\$	304,838,000
Retirement System Expense Fund Appropriation	\$	3,150,000
Teachers' Retirement Fund Appropriation	\$	1,362,000
Motor Vehicle Fund Appropriation	\$	25,000
Total Appropriation	\$	309,375,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$2,840,000 of the general fund appropriation shall be expended within the Teachers' Retirement System to continue an ad hoc increase for the 1977-79 biennium in the minimum pension provided in RCW 41.32.497, to eight dollars per month for each year of creditable service to all members who retired prior to April 25, 1973.

(2) For the teachers' retirement system, \$175,851,000 (of which \$69,000,000 is to be from federal revenue sharing funds received during the 1977-79 biennium) shall be expended for contributions to the system and \$1,362,000 from the teachers' retirement fund shall be expended for administration.

(3) For the law enforcement officers' and fire fighters' retirement system, \$125,433,000 shall be expended for contributions to the system and \$377,000 from the retirement system expense fund shall be expended for administration.

(4) For the public employees' retirement system, \$2,773,000 from the retirement system expense fund shall be expended for administration.

(5) For the judicial retirement system, \$120,000 shall be expended for contributions to the system and \$9,000 shall be expended for administration.

(6) For the judges' retirement system, \$584,000 shall be expended for contributions to the system and \$1,000 shall be expended for administration.

(7) For the Washington state patrol retirement system, \$25,000 from the motor vehicle fund shall be expended for administration.

NEW SECTION. Sec. 38. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	792,000
Total Appropriation	\$	792,000

NEW SECTION. Sec. 39. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	20,000
Total Appropriation	\$	20,000

NEW SECTION. Sec. 40. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	381,000
Total Appropriation	\$	381,000

NEW SECTION. Sec. 41. FOR THE ATHLETIC COMMISSION

General Fund Appropriation	\$	48,000
Total Appropriation	\$	48,000

NEW SECTION. Sec. 42. FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation.....	\$	42,000
Total Appropriation	\$	42,000

NEW SECTION. Sec. 43. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	1,452,000
Total Appropriation	\$	1,452,000

NEW SECTION. Sec. 44. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation.....	\$	46,173,000
Total Appropriation	\$	46,173,000

NEW SECTION. Sec. 45. FOR THE PHARMACY BOARD

General Fund Appropriation	\$	603,000
Total Appropriation	\$	603,000

NEW SECTION. Sec. 46. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	10,160,000
Grade Crossing Protective Fund Appropriation	\$	1,078,000
Total Appropriation	\$	11,238,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$525,000 from the Grade Crossing Protective Fund Appropriation shall be used solely for obligations incurred in the 1975-77 biennium.

NEW SECTION. Sec. 47. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund

Appropriation	\$	86,000
Total Appropriation	\$	86,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$5,000 shall be expended for actuarial services to be performed by the state actuary.

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	423,000
General Fund Appropriation—Federal	\$	1,862,000
Total Appropriation	\$	2,285,000

NEW SECTION. Sec. 49. FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	4,200,000
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General Fund Appropriation—Federal	\$	492,000
Total Appropriation	\$	4,692,000

The appropriations contained in this section shall be subject to the following condition or limitation: Not more than \$225,000 shall be expended for maintenance and repair of installations.

NEW SECTION. Sec. 50. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	840,000
Total Appropriation	\$	840,000

NEW SECTION. Sec. 51. DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Funding Sources	\$	947,741,000
Federal Funding Sources	\$	700,545,000
Other Funding Sources	\$	1,952,000
Total Of All Funding Sources	\$	1,650,238,000

The appropriations contained in sections 52 through 62 of this act shall be subject to the following conditions and limitations:

(1) Not more than 26,489 FTE staff years are authorized within the department during the 1977-79 biennium.

(2) Any funds derived from settlement of litigation against the United States government shall be deposited in the state general fund by the state treasurer and no expenditure shall be made therefrom without specific legislative appropriation pursuant to law.

(3) All program savings realized by the department in moneys or FTE staff years shall be placed in allotment reserve by the office of program planning and fiscal management.

(4) The department shall not initiate any new services or programs beyond those authorized by specific appropriation in this act.

(5) The department shall not impose rateable reduction in any public assistance grant payments for which funds are appropriated in sections 56 through 59 of this act.

(6) The department shall curtail all outreach activity within programs, subject to section 173 of this act, in order to allow the executive and legislative branches to review the policy and direction of the various programs within the agency.

(7) From the appropriations contained in sections 52 through 62 of this act, the department shall not transfer, in the aggregate, more than a total of ten million dollars among all the programs without prior approval of the office of program planning and fiscal management. Said office shall give written notice to the house appropriations committee and the senate ways and means committee thirty days prior to the allotment of the funds or full time equivalent staff years transferred. Such notice shall identify the program and category from which and to which the transfers are to be made and the reason or reasons that necessitates the transfer.

NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADULT CORRECTIONS AND REHABILITATION PROGRAM

State Funding Sources	\$	82,187,000
Total Funding Sources For Program	\$	82,187,000
Total FTE Staff Years For Program		3,780

COMMUNITY REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	15,492,000
Total Appropriation	\$	15,492,000
Total FTE Staff Years		876

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation	\$	21,285,000
Total Appropriation	\$	21,285,000
Total FTE Staff Years		925

CUSTODY CATEGORY.

General Fund Appropriation	\$	21,193,000
Total Appropriation	\$	21,193,000
Total FTE Staff Years		1,402

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation	\$	536,000
Total Appropriation	\$	536,000
Total FTE Staff Years		13

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation	\$	23,681,000
Total Appropriation	\$	23,681,000
Total FTE Staff Years		564

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Probation and parole staff shall be expanded by an expenditure level not to exceed \$818,000 and a staffing level not to exceed 48 FTE staff years.

(2) Not more than \$1,194,000 and 31 FTE staff years shall be expended for establishing six additional work training release facilities.

(3) Not more than \$1,355,000 and 54 FTE staff years shall be expended to open a new 100-bed honor camp.

(4) A work/training release staging facility to be located on the existing Gieger Field site in Spokane County shall be established to provide a 30-bed work training release capability and 100 minimum security beds. Not more than \$1,295,000 and 20 FTE staff years shall be expended to operate the facility.

(5) Not more than \$467,000 and 35 FTE staff years shall be expended to expand the institutional counselling program to achieve a 60 to 1 resident/staff ratio.

(6) Not more than \$582,000 and 34 FTE staff years shall be expended to establish a specialized treatment program at the Washington State Penitentiary.

(7) The program at the Larch Mountain Correction Center shall be expanded to include 26 additional residents and the resident capacity of the Clearwater Honor Camp shall be expanded to 100. Not more than \$264,000 and 17 FTE staff years shall be expended for such purposes.

(8) Not more than \$2,096,000 and 129 FTE staff years shall be expended to increase the custody staff at each of the institutions to 100% post assignment.

(9) Not more than \$629,000 shall be expended to fund institutional diversion projects in the community.

(10) \$22,000,000 of the appropriation contained in this section shall be from the Countercyclical Revenue Sharing Program.

NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION PROGRAM

State Funding Sources	\$	44,617,000
Federal Funding Sources	\$	2,153,000
Other Funding Sources	\$	500,000
Total Funding Sources For Program	\$	47,270,000
Total FTE Staff Years For Program		2,084

COMMUNITY REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	12,223,000
General Fund Appropriation—Federal	\$	406,000
Total Appropriation	\$	12,629,000
Total FTE Staff Years		317

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	19,964,000
Total Appropriation	\$	19,964,000
Total FTE Staff Years		1,279

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	1,300,000
General Fund Appropriation—Federal	\$	1,000,000
General Fund Appropriation—Other	\$	500,000
Total Appropriation	\$	2,800,000
Total FTE Staff Years		31

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	11,130,000
General Fund Appropriation—Federal	\$	747,000
Total Appropriation	\$	11,877,000
Total FTE Staff Years		457

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$212,000 and 6 FTE staff years shall be expended to staff three new group homes to be completed by January, 1979.

(2) Not more than \$1,475,000 and 180 additional FTE staff years shall be expended within the Institutional Rehabilitation category of this program to provide adequate staffing within the institutions and to allow residence units not currently being utilized to be opened and staffed. Staffing patterns within the residence units shall provide for at least two staff persons during those periods, other than normal sleeping hours, when residents are not attending classes or involved in work programs.

(3) Not more than \$300,000 of state general fund moneys shall be expended for continuation of the project for the community evaluation and diagnosis of juvenile delinquents.

(4) Not more than \$2,582,000 (of which at least \$1,000,000 shall be from federal funds and at least \$500,000 shall be from local funds) shall be expended for the continuance of existing institutional diversion programs in the community. The department shall develop contracts for the expenditure of these funds which will assure that populations served will be those which would be the responsibility of the Bureau of Juvenile Rehabilitation.

(5) Not more than \$1,277,000 and 54 FTE staff years shall be expended for delinquency prevention services.

(6) Should the United States government make funding and/or resources available with the intent to repay Washington state for the capital improvements made upon the Juvenile Diagnostic Facility at Cascadia, the department of social and health services secretary must have the approval of the senate ways and means and house appropriations committees prior to any reversion of the facility to the United States government.

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM

State Funding Sources	\$	75,963,000
Federal Funding Sources	\$	12,862,000
Other Funding Sources	\$	1,083,000

Total Funding Sources For Program	\$	89,908,000
Total FTE Staff Years For Program		2,597

COMMUNITY SERVICES CATEGORY.

General Fund Appropriation—State	\$	25,683,000
General Fund Appropriation—Federal	\$	5,621,000
General Fund Appropriation—Other	\$	1,083,000
Total Appropriation	\$	32,387,000
Total FTE Staff Years		18

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	26,625,000
General Fund Appropriation—Federal	\$	1,166,000
Total Appropriation	\$	27,971,000
Total FTE Staff Years		1,856

ALCOHOLISM CATEGORY.

General Fund Appropriation—State	\$	8,364,000
General Fund Appropriation—Federal	\$	3,641,000
Total Appropriation	\$	12,005,000
Total FTE Staff Years		33

DRUG ABUSE CATEGORY.

General Fund Appropriation—State	\$	138,000
General Fund Appropriation—Federal	\$	1,419,000
Total Appropriation	\$	1,557,000
Total FTE Staff Years		18

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	64,000
General Fund Appropriation—Federal	\$	374,000
Total Appropriation	\$	438,000
Total FTE Staff Years		0

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	15,089,000
General Fund Appropriation—Federal	\$	641,000
Total Appropriation	\$	15,730,000
Total FTE Staff Years		672

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,326,000 shall be expended to enhance the program for the hospitalization of acutely mentally ill children in the community.

(2) Not more than \$1,500,000 shall be expended to enhance the treatment of the seriously mentally ill in the community.

(3) Not more than \$349,000 and 24 FTE staff years shall be expended at Eastern State Hospital to continue the treatment of mentally ill felons referred by the courts.

(4) Not more than \$436,000 and 30 FTE staff years shall be expended to establish and operate a mentally ill offender ward at Western State Hospital

(5) Not more than \$67,000 and 2 FTE staff years shall be expended to expand the Department of Personnel alcoholism program for state employees stationed in the Seattle area.

(6) Not more than \$27,000 from federal funds shall be expended to continue the study on the effects of mental health treatment on low income persons.

(7) Not more than \$1,557,000 (of which \$1,419,000 is to be from federal funds) and 18 FTE staff years shall be expended to carry out the drug abuse program transferred from the planning and community affairs agency.

(8) Not more than \$100,000 shall be expended to maintain the calendar year 1976 level of special subsidy to community mental health grant distribution amounts for the four counties directly affected by the closure of Northern State Hospital.

(9) Not more than \$64,000 shall be expended as state matching funds for construction of the Greater Lakes Mental Health facility.

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM

State Funding Sources	\$	88,733,000
Federal Funding Sources	\$	32,383,000
Total Funding Sources For Program	\$	121,116,000
Total FTE Staff Years For Program		6,053

COMMUNITY SERVICES CATEGORY.

General Fund Appropriation—State	\$	15,188,000
General Fund Appropriation—Federal	\$	9,206,000
Total Appropriation	\$	24,394,000
Total FTE Staff Years		234

INSTITUTIONAL REHABILITATION SERVICES CATEGORY.

General Fund Appropriation—State	\$	45,347,000
General Fund Appropriation—Federal	\$	12,560,000
Total Appropriation	\$	57,907,000
Total FTE Staff Years		4,214

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	951,000
General Fund Appropriation—Federal	\$	4,971,000
Total Appropriation	\$	5,922,000
Total FTE Staff Years		122

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	27,247,000
General Fund Appropriation—Federal	\$	5,646,000
Total Appropriation	\$	32,893,000
Total FTE Staff Years		1,483

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,059,000 shall be expended to provide vendor rate increases of 5.5% per year to group homes and to provide for additional clients.

(2) Not more than \$1,124,000 shall be expended to provide vendor rate increases of 5.5% per year for developmental centers and to increase the number of days per client to 150.

(3) Not more than \$1,808,000 (of which \$645,000 is to be from federal funds) and 101 FTE staff years shall be expended to staff and operate three state residential treatment centers.

(4) Not more than \$1,010,000 (at least \$620,000 of which is to be from federal funds) shall be expended in Home Aid Services. By January 9, 1978, the department of social and health services shall provide to the senate standing committees on ways and means and social and health services and the house standing committees on appropriations and social and health services an analysis of the Home Aid Program including the characteristics of the clients, number of hours of service each client receives, category of service each client receives, length of time client receives services, frequency of services provided, type of training service providers receive, wage scales paid to service providers based on characteristics of client and category of

service provided, and amount of funds expended in each category of service for each region.

(5) Up to \$250,000 shall be expended exclusively to increase salaries for Group Home resident care nonprofessional employees.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE NURSING HOMES PROGRAM

State Funding Sources	\$	86,475,000
Federal Funding Sources	\$	90,991,000
Total Funding Sources	\$	177,466,000
Total FTE Staff Years For Program		198

ASSISTANCE GRANTS CATEGORY.

General Fund Appropriation—State	\$	85,119,000
General Fund Appropriation—Federal	\$	88,046,000
Total Appropriation	\$	173,165,000
Total FTE Staff Years		0

ADMINISTRATION CATEGORY.

General Fund Appropriation—State	\$	1,357,000
General Fund Appropriation—Federal	\$	2,944,000
Total Appropriation	\$	4,301,000
Total FTE Staff Years		198

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$40,000 and 2 FTE staff years shall be expended to establish a Health Data Collection system for nursing homes.

(2) \$11,995,000 (of which \$6,385,000 is to be federal funds) shall be utilized to provide vendor rate adjustments for inflation.

(3) Not more than \$11,272,000 (of which \$5,749,000 is to be from federal funds) shall be expended exclusively to increase salaries for nursing home employees, other than registered nurses, licensed practical nurses and administrative employees, involved in direct and indirect patient care.

NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE INCOME MAINTENANCE PROGRAM

State Funding Sources	\$	269,063,000
Federal Funding Sources	\$	212,994,000
Total Funding Sources For Program	\$	482,057,000
Total FTE Staff Years For Program		3,098

MAINTENANCE GRANTS CATEGORY.

General Fund Appropriation—State	\$	239,451,000
General Fund Appropriation—Federal	\$	173,805,000
Total Appropriation	\$	413,256,000
Total FTE Staff Years		0

OTHER ASSISTANCE CATEGORY.

General Fund Appropriation—State	\$	2,820,000
General Fund Appropriation—Federal	\$	1,154,000
Total Appropriation	\$	3,974,000
Total FTE Staff Years		62

ELIGIBILITY DETERMINATION CATEGORY.

General Fund Appropriation—State	\$	12,737,000
General Fund Appropriation—Federal	\$	15,720,000
Total Appropriation	\$	28,457,000
Total FTE Staff Years		1,704

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—Federal	\$	13,067,000
Total Appropriation	\$	13,067,000
Total FTE Staff Years		0

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	14,055,000
General Fund Appropriation—Federal	\$	9,248,000
Total Appropriation	\$	23,303,000
Total FTE Staff Years		1,332

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$34,767,000 (of which \$17,152,000 is to be from federal funds) shall be expended to provide a 5.5% cost-of-living increase for each year of the biennium for all assistance grants other than the state supplementation to the Supplemental Security Income (SSI) program.

(2) Not more than \$17,797,000 shall be expended for a cost-of-living increase to the state supplement of the Supplemental Security Income (SSI) program.

(3) Not more than \$1,298,000 shall be expended to resume general assistance for persons who are receiving training in the vocational rehabilitation program.

(4) Not more than \$1,573,000 shall be expended for an increase for congregate care facilities to meet program standards in the care of mental health, developmentally disabled, and alcoholic residents, except that the department shall develop contracts which provide standards for programs and program staff.

(5) Not more than \$1,825,000 shall be expended for an inflationary increase in vendor rates.

(6) Not more than \$30,000 from state funds shall be expended for the continuation of the public assistance toll-free telephone service.

(7) Not more than \$6,090,000 shall be expended to provide increases in non-continuing general assistance grants.

(8) Not more than \$14,701,000 (of which \$4,701,000 is to be from federal funds) shall be used to increase grant standards.

(9) Up to \$500,000 shall be expended exclusively to increase salaries for resident care nonprofessional employees in congregate care facilities.

NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE COMMUNITY SOCIAL SERVICES PROGRAM

State Funding Sources	\$	64,268,000
Federal Funding Sources	\$	102,306,000
Total Funding Sources For Program	\$	166,574,000
Total FTE Staff Years For Program		3,380

FAMILY AND CHILDRENS' SERVICES CATEGORY.

General Fund Appropriation—State	\$	50,086,000
General Fund Appropriation—Federal	\$	52,868,000
Total Appropriation	\$	102,954,000
Total FTE Staff Years		2,017

ADULT SERVICES CATEGORY.

General Fund Appropriation—State	\$	7,428,000
General Fund Appropriation—Federal	\$	37,559,000
Total Appropriation	\$	44,987,000
Total FTE Staff Years		671

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	30,000
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General Fund Appropriation—Federal	\$	1,450,000
Total Appropriation	\$	1,480,000
Total FTE Staff Years		41

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	6,724,000
General Fund Appropriation—Federal	\$	10,429,000
Total Appropriation	\$	17,153,000
Total FTE Staff Years		651

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$5,564,000 (of which \$1,624,000 shall be federal funds) shall be expended for an inflationary increase in allowance and vendor rates.

(2) Not more than \$1,061,000, of which \$61,000 shall be from federal funds, shall be expended for an increase in the vendor rate for private child caring agencies: PROVIDED, That these funds shall not be expended until the department has developed a revised system for private child caring agencies which include:

- (a) The classification of children according to their needs;
- (b) The classification of facilities according to established program standards;
- (c) A reimbursement system which compensates facilities for services provided;
- (d) The development of program and fiscal operation standards; and
- (e) An audit capability to review the implementation of such program and fiscal operation standards.

(3) Not more than \$201,000 (of which \$181,000 shall be federal funds) and 12 FTE staff years shall be expended in the expansion of the Work Incentive (WIN) program.

(4) Not more than \$892,000 (of which \$612,000 shall be federal funds) and 41 FTE staff years shall be expended for workload and expansion increases in child protective services.

(5) Not more than \$881,000 (of which \$392,000 shall be federal funds) and 55 FTE staff years shall be expended for workload and expansion increases in foster care services.

(6) Not more than \$175,000 (of which \$126,000 shall be federal funds) and 15 FTE staff years shall be expended in workload and expansion increases within homemaker services.

(7) Not more than \$6,400,000 of federal funds shall be expended for the expansion of day care services resulting from passage of HR 12455 by the Congress of the United States.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MEDICAL ASSISTANCE PROGRAM

State Funding Sources	\$	171,077,000
Federal Funding Sources	\$	136,293,000
Total Funding Sources For Program	\$	307,370,000
Total FTE Staff Years For Program		785

GENERAL MEDICAL ASSISTANCE CATEGORY.

General Fund Appropriation—State	\$	159,843,000
General Fund Appropriation—Federal	\$	121,674,000
Total Appropriation	\$	281,517,000

PREVENTION OF BLINDNESS ASSISTANCE CATEGORY.

General Fund Appropriation—State	\$	1,608,000
General Fund Appropriation—Federal	\$	1,315,000
Total Appropriation	\$	2,923,000
Total FTE Staff Years		5

ELIGIBILITY DETERMINATION CATEGORY.

General Fund Appropriation—State	\$	2,033,000
General Fund Appropriation—Federal	\$	1,650,000
Total Appropriation	\$	3,683,000
Total FTE Staff Years		254

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	7,593,000
General Fund Appropriation—Federal	\$	11,654,000
Total Appropriation	\$	19,247,000
Total FTE Staff Years		526

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$32,996,000 (of which \$12,698,000 is to be federal funds) shall be expended for an inflationary increase for hospital provider payments.

(2) Not more than \$3,706,000 (of which \$1,903,000 is to be federal funds) shall be expended for an inflationary increase for drug payments.

(3) Not more than \$11,119,000 (of which \$5,434,000 is to be federal funds) shall be expended for an inflationary increase in other vendor payments.

(4) Not more than \$566,000 (of which \$76,000 is to be federal funds) shall be expended for resuming general assistance for persons who are receiving training in the vocational rehabilitation program.

NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE PUBLIC HEALTH PROGRAM

State Funding Sources	\$	16,674,000
Federal Funding Sources	\$	37,981,000
Other Funding Sources	\$	358,000
Total Funding Sources For Program	\$	55,013,000
Total FTE Staff Years For Program		729

PERSONAL HEALTH IMPROVEMENT CATEGORY.

General Fund Appropriation—State	\$	7,009,000
General Fund Appropriation—Federal	\$	15,998,000
General Fund Appropriation—Other	\$	358,000
Total Appropriation	\$	23,365,000
Total FTE Staff Years		388

PATIENT CARE CATEGORY.

General Fund Appropriation—State	\$	4,144,000
General Fund Appropriation—Federal	\$	2,623,000
Total Appropriation	\$	6,767,000
Total FTE Staff Years		36

HEALTH SYSTEMS IMPROVEMENT CATEGORY.

General Fund Appropriation—State	\$	4,056,000
General Fund Appropriation—Federal	\$	7,045,000
Total Appropriation	\$	11,101,000
Total FTE Staff Years		219

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	355,000
General Fund Appropriation—Federal	\$	12,037,000
Total Appropriation	\$	12,392,000
Total FTE Staff Years		28

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	1,110,000
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General Fund Appropriation—Federal	\$	278,000
Total Appropriation	\$	1,388,000
Total FTE Staff Years		58

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$436,000 (of which \$248,000 is to be from federal funds) shall be expended to provide inflationary increases for Crippled Children's Service.
- (2) Not more than \$1,478,000 (of which \$1,388,000 is to be from federal funds) shall be expended for increases in family planning services.
- (3) Not more than \$206,000 (of which \$25,000 is to be from federal funds and \$181,000 is to be from local funds) shall be expended for the expansion of birth defect and metabolic disorder screening and testing.
- (4) Not more than \$230,000 and 6 FTE staff years shall be expended for expansion of the dental rinsing program for children.
- (5) Not more than \$705,000 (of which \$551,000 is to be from federal funds and \$154,000 is to be from local funds) shall be expended for the implementation of the Safe Drinking Water Act.
- (6) Not more than \$310,000 shall be expended for an inflationary and workload increase for kidney centers.
- (7) Not more than \$1,500,000 from federal funds shall be expended for the immunization programs.
- (8) Not more than \$200,000 from federal funds shall be expended for implementing a blood pressure control screening program.
- (9) Not more than \$355,000 shall be expended to continue the contract for purchase of research with the Fred Hutchinson Cancer Research Center.
- (10) Not more than \$861,000 (of which \$414,000 is to be from federal funds) and 14 FTE staff years shall be expended for the health planning function transferred from the planning and community affairs agency.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE VOCATIONAL REHABILITATION PROGRAM

State Funding Sources	\$	6,818,000
Federal Funding Sources	\$	37,502,000
Other Funding Sources	\$	11,000
Total Funding Sources For Program	\$	44,331,000
Total FTE Staff Years For Program		775

REHABILITATION SERVICES—GENERAL CATEGORY.

General Fund Appropriation—State	\$	1,821,000
General Fund Appropriation—Federal	\$	27,081,000
Total Appropriation	\$	28,902,000
Total FTE Staff Years		532

REHABILITATIVE FACILITIES AND SHELTERED WORKSHOPS—GENERAL CATEGORY.

General Fund Appropriation—State	\$	3,543,000
General Fund Appropriation—Federal	\$	4,457,000
General Fund Appropriation—Other	\$	11,000
Total Appropriation	\$	8,011,000
Total FTE Staff Years		52

REHABILITATIVE SERVICES FOR THE BLIND CATEGORY.

General Fund Appropriation—State	\$	992,000
General Fund Appropriation—Federal	\$	3,376,000
Total Appropriation	\$	4,368,000

Total FTE Staff Years 112

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—State	\$	147,000
General Fund Appropriation—Federal	\$	1,326,000
Total Appropriation	\$	1,473,000
Total FTE Staff Years		18

PROGRAM SUPPORT CATEGORY.

General Fund Appropriation—State	\$	315,000
General Fund Appropriation—Federal	\$	1,262,000
Total Appropriation	\$	1,577,000
Total FTE Staff Years		61

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,668,000 (of which \$1,422,000 shall be from federal funds) shall be expended for workload increases in case services in general rehabilitation and services for the blind.

(2) Not more than \$732,000 shall be expended to expand services for developmentally disabled clients in sheltered workshops.

(3) Not more than \$257,000 (of which \$206,000 is to be from federal funds) and 19 FTE staff years shall be expended for increased training and rehabilitative services for the blind.

(4) Not more than \$802,000 (of which \$722,000 is to be from federal funds) and 10 FTE staff years shall be expended for projects related to the severely disabled and other special projects.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADMINISTRATIVE AND SUPPORT SERVICES PROGRAM

State Funding Sources	\$	41,866,000
Federal Funding Sources	\$	35,080,000
Total Funding Sources For Program	\$	76,946,000
Total FTE Staff Years For Program		3,055

EXECUTIVE DIVISION CATEGORY.

General Fund Appropriation—State	\$	2,573,000
General Fund Appropriation—Federal	\$	1,017,000
Total Appropriation	\$	3,590,000
Total FTE Staff Years		165

PERSONNEL CATEGORY.

General Fund Appropriation—State	\$	2,285,000
General Fund Appropriation—Federal	\$	1,006,000
Total Appropriation	\$	3,291,000
Total FTE Staff Years		146

ADMINISTRATIVE SERVICES CATEGORY.

General Fund Appropriation—State	\$	20,777,000
General Fund Appropriation—Federal	\$	15,576,000
Total Appropriation	\$	36,353,000
Total FTE Staff Years		1,745

MANAGEMENT AND BUDGET CATEGORY.

General Fund Appropriation—State	\$	6,968,000
General Fund Appropriation—Federal	\$	3,772,000
Total Appropriation	\$	10,740,000
Total FTE Staff Years		464

PLANNING AND RESEARCH SERVICES CATEGORY.

General Fund Appropriation—State	\$	4,204,000
General Fund Appropriation—Federal	\$	2,132,000
Total Appropriation	\$	6,336,000
Total FTE Staff Years		305

COMMUNITY SERVICES CATEGORY.

General Fund Appropriation—State	\$	2,840,000
General Fund Appropriation—Federal	\$	1,264,000
Total Appropriation	\$	4,104,000
Total FTE Staff Years		158

SPECIAL PROJECTS CATEGORY.

General Fund Appropriation—Federal	\$	9,376,000
Total Appropriation	\$	9,376,000
Total FTE Staff Years		28

ATTORNEY GENERAL CATEGORY.

General Fund Appropriation—State	\$	2,219,000
General Fund Appropriation—Federal	\$	937,000
Total Appropriation	\$	3,156,000
Total FTE Staff Years		44

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$3,241,000 (of which \$2,400,000 is to be from federal funds) and 161 FTE staff years shall be expended for increased child support enforcement collections.

(2) Not more than \$301,000 (of which \$125,000 is to be from federal funds) and 15 FTE staff years shall be expended for mandatory fair hearings workload increases.

(3) Not more than \$478,000 (of which \$191,000 is to be from federal funds) and 26 FTE staff years shall be expended in the expansion of the auditing staff to completely audit each nursing home provider annually.

NEW SECTION. Sec. 62A. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund—State and Local Improvements Revolving Account Reappropriation—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)	\$	15,064,000
General Fund Reappropriation—State	\$	17,100,000
General Fund Reappropriation—Federal	\$	14,100,000
Total Reappropriation	\$	46,264,000

The reappropriations contained in this section shall be subject to the following conditions and limitations:

(1) The general fund—state and local improvements revolving account reappropriation—water supply facilities contained in this section shall be expended exclusively for municipal and industrial water supply and distribution facilities as provided for in chapter 1, Laws of 1977 1st ex. sess.

(2) The general fund reappropriation—state and the general fund reappropriation—federal shall be for medical services and supplies not in excess of the unexpended balance of the 1975–77 appropriations or allotments for such purpose. Within such amounts, the following programs shall be included:

(a) Mental health	\$	100,000
(b) Income maintenance	\$	300,000
(c) Community social service	\$	700,000

(d) Medical assistance \$ 30,100,000

NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State \$ 10,483,000
 General Fund Appropriation—Private/Local \$ 881,000
 Total Appropriation \$ 11,364,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The department shall maintain the contract field offices and the state operated field offices in Bremerton, Spokane and Aberdeen.

(2) Not more than \$104,000 and 6 FTE staff years shall be expended for additional nursing services at the veterans' home.

NEW SECTION. Sec. 64. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State \$ 4,250,000
 General Fund Appropriation—Federal \$ 137,456,000
 General Fund Appropriation—Private/Local \$ 253,000
 Total Appropriation \$ 141,959,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$111,754,000 from federal funds shall be utilized for training and public service employment as provided by the Comprehensive Employment and Training Act (CETA), which may include:

(a) Program for local service within the employment security department (not more than \$3,500,000); and

(b) Juvenile institutional diversion programs within the department of social and health services (not more than \$1,000,000);

(2) Law Enforcement Assistance Administration (LEAA) funds shall be utilized for the following state projects:

(a) Washington state patrol narcotics network—\$170,000;

(b) The department of social and health services classification and work unit—\$2,027,000;

(c) The department of social and health services intensive parole—\$559,000;

(d) The board of prison terms and parole improved decision making—\$767,000;

(e) The criminal justice training commission—\$2,100,000 (including \$600,000 as local share of LEAA funds), except that this amount may be withheld if chapter ... (SB 2418), Laws of 1977 1st ex. sess. becomes law with its provision for replacement funding;

(3) Not more than \$4,528,000 (of which \$3,704,000 is to be federal funds and \$253,000 is to be local funds) and 26 FTE staff years shall be expended for transportation functions within the community planning program, except that these funds and staff shall be transferred to and expended by the department of transportation contingent upon chapter ... (SSB 2924 or SHB 718), Laws of 1977 1st ex. sess. becoming law.

(4) \$100,000 of the general fund appropriation—state shall be contingent upon chapter ... (SB 2108), Laws of 1977 1st ex. sess. becoming law.

(5) Not more than \$70,000 shall be expended for the office on voluntary action: PROVIDED, That such appropriation shall not extend beyond February 28, 1978: PROVIDED FURTHER, That a report be submitted from the office of program planning and fiscal management to the house of representatives standing committee

on appropriations and the senate standing committee on ways and means, not later than January 1, 1978, on the utilization and effectiveness of the office on voluntary action and actual or potential duplication with activities of other state agencies.

NEW SECTION. Sec. 65. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	2,431,000
General Fund Appropriation—Federal		96,000
General Fund Appropriation—Local	\$	72,000
Total Appropriation	\$	2,599,000

NEW SECTION. Sec. 66. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation	\$	1,163,000
Medical Aid Fund Appropriation	\$	1,163,000
Total Appropriation	\$	2,326,000

NEW SECTION. Sec. 67. FOR THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation	\$	100,000
General Fund—Criminal Justice Training Account Appropriation	\$	2,180,000
Total Appropriation	\$	2,280,000

NEW SECTION. Sec. 68. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$	6,180,000
General Fund Appropriation—Federal	\$	100,000
Accident Fund Appropriation	\$	22,658,000
Medical Aid Fund Appropriation	\$	20,621,000
Plumbing Certificate Fund Appropriation	\$	125,000
Electrical License Account Appropriation	\$	4,394,000
Total Appropriation	\$	54,078,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$928,000 (\$788,000 from accident funds and \$140,000 from medical aid funds) and 44 FTE staff years shall be expended within the Safety Inspection and Education program to provide for additional safety inspections.

(2) Not more than 66 FTE staff years shall be expended within the Building and Construction Safety program to provide additional certification and inspection capability.

(3) The Automated Records Management System (ARMS) shall remain at its present level of hardware implementation.

NEW SECTION. Sec. 69. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	1,539,000
Total Appropriation	\$	1,539,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$6,000 shall be expended for increasing the attorney fee schedule for indigent representation.

NEW SECTION. Sec. 70. FOR THE HOSPITAL COMMISSION

General Fund Appropriation—Federal	\$	708,000
General Fund—Hospital Commission Account Appropriation	\$	609,000
Total Appropriation	\$	1,317,000

The appropriation contained in this section shall be subject to the following condition or limitation: No more than \$708,000 from federal funds shall be expended for the establishment and implementation of the manner in which hospitals shall be reimbursed under the Prospective Reimbursement Demonstration program as defined by contract with the Social Security Administration, DHEW, dated October 1, 1976.

NEW SECTION. Sec. 71. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	3,593,000
General Fund Appropriation—Federal	\$	225,000
Unemployment Compensation Administration Fund		
Appropriation—Federal	\$	88,923,000
Administrative Contingency Fund Appropriation	\$	400,000
Total Appropriation	\$	93,141,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$63,000 and 4 FTE staff years shall be expended to bring the department into compliance with state accounting requirements.

(2) The department is directed to develop an integrated method of accounting which will fulfill the requirements of both the federal government and the state government without unnecessary duplication.

(3) Not more than \$3,200,000 shall be expended to continue the work orientation program, including employment orientation, ex-offender, career change, and severely disabled/mentally retarded. The department shall contract for the programs. Contracts awarded under this subsection shall contain performance specifications and financial penalties to the contractor for nonperformance. The contracting process shall stress past performance by potential contractors in the implementation of these programs. A legislative review committee comprised of the majority and minority leaders of both houses, the chairman of the appropriations committee of the house, and the chairman of the ways and means committee of the senate shall be created to audit the performance of the programs and contracting agencies. A report on the performance of the program shall be made to the legislature no later than January 1, 1978, and January 1, 1979.

NEW SECTION. Sec. 72. FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	738,000
General Fund Appropriation—Federal	\$	1,335,000
Total Appropriation	\$	2,073,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$500,000 of this appropriation shall be used as matching funds for energy-related studies as determined by the House and Senate Energy and Utilities Committees.

NEW SECTION. Sec. 73. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation	\$	210,000
Total Appropriation	\$	210,000

NEW SECTION. Sec. 74. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation	\$	4,000
Total Appropriation	\$	4,000

NEW SECTION. Sec. 75. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	15,795,000
General Fund Appropriation—Federal	\$	9,149,000
General Fund Appropriation—Private/Local	\$	69,000

General Fund—Reclamation Revolving Account		
Appropriation	\$	541,000
General Fund—Litter Control Account Appropriation	\$	2,989,000
Stream Gaging Basic Data Fund Appropriation	\$	180,000
General Fund—Special Grass Seed Burning Research		
Account Appropriation—State	\$	20,000
General Fund—State Emergency Water Projects		
Revolving Account Appropriation	\$	11,000,000
General Fund—State and Local Improvements		
Revolving Account—Waste Disposal Facilities:		
Appropriated pursuant to the provisions of chapter		
127, Laws of 1972 ex. sess. (Referendum 26)	\$	108,329,000
General Fund—State and Local Improvements		
Revolving Account—Water Supply Facilities: Appri-		
propriated pursuant to the provisions of chapter 128,		
Laws of 1972 ex. sess. (Referendum 27)	\$	26,593,000
Total Appropriation	\$	174,665,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$1,132,000 in state funds from the appropriations contained herein shall be expended by the department for matching purposes for activated air pollution control authorities. If such authorities do not expend an equal amount to match such funds during the 1977–79 biennium, then such unmatched, unexpended state funds shall be available to the department.

(2) Not more than \$1,451,000 from federal air pollution control grant funds shall be made available to activated air pollution control authorities in the state as directed by the federal environmental protection agency.

(3) \$210,000 of the general fund appropriation—state shall be expended within the field operations program for the Washington state conservation commission for ongoing commission staff functions, including those responsibilities related to the implementation phase of Section 208, P.L. 92–500, the Federal Clean Water Act.

(4) Not more than \$1,053,000 from the litter control account appropriation shall be available to supervise and hire personnel for a Youth Corps Litter Pick-Up Program.

(5) On or before October 1, 1977, the department of ecology shall file with the ways and means committee of the senate and the appropriations committee of the house of representatives a master compilation by project type of those projects proposed for funding during the 1977–79 biennium from the appropriations for waste disposal facilities and municipal and industrial water supply facilities. The department shall submit updates for the master compilation to such committees at six month intervals during the 1977–79 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering such projects. If the department proposes to change or modify any project list on the master compilation, it shall give the senate ways and means committee and the house appropriations committee thirty days written notice of such change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall inform such committees as soon as practicable of emergent federal action which has any effect whatsoever on the appropriations for waste disposal facilities and water supply facilities.

(6) The appropriation from the state and local improvements revolving account—municipal and industrial water supply facilities may be expended to pay

up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may loan up to one hundred percent of the eligible costs of preconstruction activities and the department may provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(7) The appropriation from the state and local improvements revolving account—waste disposal facilities may be expended by the department to pay for up to fifty percent of the eligible cost of any project, as a grant or loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is hereby authorized to provide up to one hundred percent of the costs necessary to meet the conditions required to receive federal funds.

(8) No moneys provided herein shall be utilized until the director of the department delegates the sole and complete responsibility for administration of the state's National Pollutant Discharge Elimination System's permit program to the deputy or an assistant director of the department; and the director is authorized to so delegate.

NEW SECTION. Sec. 76. FOR THE POLLUTION CONTROL HEARINGS BOARD

General Fund Appropriation	\$	499,000
Total Appropriation	\$	499,000

NEW SECTION. Sec. 77. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—State	\$	347,000
General Fund Appropriation—Private/Local	\$	968,000
Total Appropriation	\$	1,315,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$15,000 of the general fund appropriation—state shall be expended only for the costs of processing petitions or grievances filed pursuant to provisions of site certification agreements.

(2) The general fund appropriation—private/local shall be expended for direct application processing costs and inspection and determinations relative to monitoring the effects of construction and operation of a facility. \$232,185 may only be expended if SB 2910 or similar legislation is enacted into law authorizing the charging of applicants for direct application processing costs. The council shall submit a report to the senate ways and means committee and the house of representatives appropriations committee no later than January 1, 1979, on costs incurred and charged to applicants or certificate holders for direct application processing or surveillance monitoring costs during fiscal year 1978.

NEW SECTION. Sec. 78. FOR THE SHORELINES HEARING BOARD

General Fund Appropriation	\$	45,000
Total Appropriation	\$	45,000

NEW SECTION. Sec. 79. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	19,390,000
General Fund Appropriation—Federal	\$	463,000
General Fund—Trust Land Purchase Account		
Appropriation	\$	5,985,000
Motor Vehicle Fund Appropriation	\$	725,000
General Fund—Outdoor Recreation Account Approp- riation	\$	70,000

General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3),

chapter 129, Laws of 1972 ex. sess.....	\$	842,000
Total Appropriation	\$	27,475,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for operating, development, or acquisition costs without prior approval of the legislative budget committee or the senate ways and means committee and house appropriations committee if the legislature is in session.

(2) \$110,000 shall be expended within the park operation program for continuation of contractual agreements with Grays Harbor and Pacific counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach.

(3) Not more than \$15,000 shall remain unexpended for the contingent purpose of making a grant to the Port of Skagit County in the event that the planned operation of the historical railroad from Sedro Woolley to Concrete is not fully self-supporting in the first year of the operation.

(4) \$32,000 shall be expended exclusively for implementation of ESB 3002, only if ESB 3002 becomes law.

(5) For transfer to the state general fund an amount up to \$3,200,000 in excess of the cash requirements in the trust land purchase account, as determined by the office of program planning and fiscal management.

(6) The commission is authorized to transfer up to \$225,000 of the trust land purchase account appropriation to the department of natural resources and in return the department of natural resources is authorized to transfer approximately 147 acres of state forest lands, including timber adjacent to Sequest state park, to the commission and the department of natural resources shall expend the amount so transferred to acquire replacement forest lands in Cowlitz county.

NEW SECTION. Sec. 80. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Approp-

riation	\$	16,193,000
Total Appropriation	\$	16,193,000

The appropriation contained in this section shall be subject to the following condition or limitation:

Not more than \$871,000 of the Outdoor Recreation Account Appropriation shall be expended for administration.

NEW SECTION. Sec. 81. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation—State.....	\$	3,067,000
General Fund Appropriation—Federal.....	\$	32,000
Motor Vehicle Fund Appropriation.....	\$	305,000
Total Appropriation	\$	3,404,000

The appropriations contained in this section shall be subject to the following condition or limitation: No funds shall be expended for the Nuclear Energy Development program.

NEW SECTION. Sec. 82. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State.....	\$	23,410,000
General Fund Appropriation—Federal.....	\$	3,824,000

General Fund Appropriation—Private/Local.....	\$	1,168,000
General Fund—Lewis River Hatchery Account Appropriation	\$	27,000
Vessel, Gear, License, and Permit Reduction Fund Appropriation	\$	3,500,000
Total Appropriation	\$	31,929,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$300,000 of the general fund appropriation—state shall be expended within the salmon program for additional hatchery maintenance at existing department facilities.

NEW SECTION. Sec. 83. FOR THE DEPARTMENT OF GAME

General Fund Appropriation	\$	42,000
General Fund—Outdoor Recreation Account Approp- riation	\$	141,000
Game Fund Appropriation—State	\$	18,765,000
Game Fund Appropriation—Federal	\$	7,924,000
Game Fund Appropriation—Private/Local	\$	813,000
Game Fund—Special Wildlife Account Appropria- tion	\$	142,000
Total Appropriation	\$	27,827,000

NEW SECTION. Sec. 84. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State.....	\$	15,228,000
General Fund Appropriation—Federal.....	\$	2,293,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation	\$	845,000
General Fund—Resource Management Cost Account Appropriation	\$	34,075,000
General Fund—Forest Development Account Approp- riation	\$	9,582,000
General Fund—State Timber Reserve Account Appropriation	\$	2,389,000
General Fund—Outdoor Recreation Account Approp- riation	\$	1,228,000
Total Appropriation	\$	65,640,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$50,000 shall be expended exclusively for conversion to the personnel/payroll system.

(2) All federal funds received by the department of natural resources shall be placed in the general fund—federal with the exception of federal funds received for the private forestry assistance and regulation program.

(3) If more than \$180,000 in Clark McNary funds are received for the private forestry assistance and regulation program a like amount of general fund moneys shall be placed in reserve.

(4) \$1,000,000 of the general fund—state appropriation shall be expended exclusively for emergency forest fire suppression. Such funds shall also be available for interfund loans with the landowners forest fire suppression account.

(5) The recreation program shall be split into two elements for accounting and allotment purposes: Maintenance and capital enhancement.

(6) \$230,000 of the general fund appropriation—state shall be expended by the department in a program directed toward the eradication of the star thistle weed (*centaurea solstitialis*), knapweed (*centaurea L.*), and bindweed (*convulvulus*). The

department shall provide a one-third state share for problem areas to such lands which are privately owned if participating counties and individual landowners provide their equal one-third shares, and not to exceed \$30,000 for cooperative studies for control, demonstration plots, application rates, and timing, with the Department of Forestry and Range Management at Washington State University.

(7) \$1,873,000 (of which \$97,000 shall be from the forest development account appropriation, and \$737,000 shall be from the resource management cost account appropriation) shall be expended within the forest rehabilitation program for the operation of the Clearwater, Larch Mountain, Indian Ridge, and Northern State Hospital (Douglas Hall) honor camps.

NEW SECTION. Sec. 85. FOR THE FOREST PRACTICES APPEALS BOARD

General Fund Appropriation	\$	67,000
Total Appropriation	\$	67,000

NEW SECTION. Sec. 86. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	6,491,000
Commercial Feed Fund Appropriation	\$	269,000
General Fund—Feed and Fertilizer Account Approp- riation	\$	15,000
Fertilizer, Agricultural, Mineral and Lime Fund Approp- riation	\$	269,000
Nursery Inspection Fund Appropriation	\$	232,000
Seed Fund Appropriation	\$	617,000
Grain and Hay Inspection Fund Appropriation	\$	6,602,000
Total Appropriation	\$	14,495,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$160,000 of the general fund appropriation—state shall be expended by the department for its one-third share for the special tansy ragwort control program in conjunction with those county noxious weed control boards which have placed tansy ragwort on their noxious weed list. Continued state expenditures are conditioned on the continuation of payment of an equal one-third share by participating county noxious weed control boards and individual landowners. No county noxious weed control board or individual landowners shall be eligible for the state's one-third share unless such board or landowner has developed a range management program approved by the department in cooperation with the appropriate local or other agency responsible for said conservation. \$20,000 of the \$160,000 shall be expended in cooperation with Washington State University for completion of research into the poisonous properties of tansy ragwort (*Senecio-Jacobaea*).

(2) \$150,000 of the general fund appropriation—state shall be expended within the seed branch division for the purpose of maintaining seed certification activities.

(3) \$10,000 of the general fund appropriation—state shall be expended for the continued implementation of the starling control program.

NEW SECTION. Sec. 87. FOR THE AERONAUTICS COMMISSION

General Fund Appropriation—State	\$	93,000
General Fund—Search and Rescue Account Approp- riation	\$	48,000
General Fund—Aeronautics Account Appropriation	\$	740,000
Total Appropriation	\$	881,000

NEW SECTION. Sec. 88. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Puget Sound Pilotage Account		
Appropriation	\$	8,000
Total Appropriation	\$	8,000

NEW SECTION, Sec. 89. FOR THE STATE PATROL

General Fund Appropriation—State	\$	7,957,000
General Fund Appropriation—Federal	\$	170,000
Motor Vehicle Fund Appropriation	\$	56,616,000
Total Appropriation	\$	64,743,000

NEW SECTION, Sec. 90. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION

Highway Safety Fund Appropriation	\$	7,000
Total Appropriation	\$	7,000

NEW SECTION, Sec. 91. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—State	\$	271,000
Highway Safety Fund Appropriation—Federal	\$	3,940,000
Total Appropriation	\$	4,211,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$110,000 shall be expended exclusively for a grant to the city of Bremerton to provide additional supplemental salaries and equipment as may be required because of the impact of the Trident Submarine Support Base upon the city's current and future needs for traffic control, public safety, law enforcement, prosecutorial and municipal court services.

NEW SECTION, Sec. 92. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$	5,232,000
General Fund—Architect's License Account Appropriation	\$	117,000
General Fund—Commercial Automobile Driver Training School Account Appropriation	\$	3,000
General Fund—Optician's Account Appropriation	\$	23,000
General Fund—Optometry Account Appropriation	\$	57,000
General Fund—Professional Engineer's Account Appropriation	\$	359,000
General Fund—Real Estate Commission Account Appropriation	\$	1,828,000
General Fund—Sanitarian's Licensing Account Appropriation	\$	13,000
General Fund—Board of Psychological Examiners Account Appropriation	\$	28,000
Game Fund Appropriation	\$	74,000
Highway Safety Fund Appropriation	\$	19,483,000
Motor Vehicle Fund Appropriation	\$	17,452,000
Total Appropriation	\$	44,669,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$70,000 of the general fund appropriation shall be expended for the dental disciplinary board.

(2) \$350,000 of the general fund appropriation shall be contingent upon chapter ... (SHB 120), Laws of 1977 1st ex. sess. becoming law.

NEW SECTION, Sec. 93. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund Appropriation	\$	172,000
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Total Appropriation	\$	172,000
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NEW SECTION. Sec. 94. K-12 PROGRAM

The appropriations contained in sections 95 through 109 of this act shall be subject to the following conditions and limitations:

(1) No funds shall be transferred from appropriations contained within sections 96 through 109 of this act to supplement funds appropriated for the purpose of section 95 of this act.

(2) No funds shall be expended directly or indirectly for purposes of advancing the development of occupational skill centers not operated in conjunction with a community college or Vocational-Technical Institute. Operations of skill centers in existence or those which have had their capital funds approved on the effective date of this act may be continued.

(3) The superintendent shall have the authority to transfer one percent of the funds appropriated in sections 96 and 97 of this act for the respective purposes of those sections.

(4) The state board of education shall restore all educational service district boundaries as they existed prior to September 1, 1976.

(5) It is the intent of the legislature to meet its obligation as set forth in Article IX, section 1 of the state Constitution, and in the superior court decision in the case of Seattle School District vs. the state of Washington. The appropriation contained in this section shall serve as the first step in this commitment by the legislature to phase in full funding of basic education so that for the 1980-81 school year and thereafter, the state will assume the full responsibility of funding basic education.

(6) For the purposes of sections 96 through 109 of this act, compensation includes benefits, and benefits are defined as seven percent of the district average salary for certificated staff and fourteen percent of the district average salary for classified staff.

NEW SECTION. Sec. 95. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$	9,644,000
General Fund Appropriation—Federal	\$	5,333,000
General Fund—Traffic Safety Education Account		
Appropriation	\$	313,000
Total Appropriation	\$	15,290,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$313,000 shall be expended for state office administration of the traffic safety education program.

(2) The superintendent may contract for services relating to proprietary educational clinics as an alternative education program for high school dropouts for not more than \$425,000 from funds appropriated by this section. The superintendent shall adopt rules and regulations to carry out the provisions of this section.

(3) The office of the superintendent of public instruction shall review the information required of local school districts by the superintendent and shall place priority on consolidation of reports and reducing collection of unnecessary information. Further attention shall be directed to insure the most efficient and economical means of collecting information from local school districts.

NEW SECTION. Sec. 96. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—GENERAL APPORTIONMENT FOR FISCAL YEAR 1978

General Fund Appropriation:		
For General Apportionment	\$	670,100,000
Total Appropriation	\$	670,100,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Of the appropriation contained in this section the superintendent is hereby authorized to distribute up to \$33,000,000 for compensation including benefit increases for certificated and classified staff in the common schools starting September 1, 1977. For the purpose of distributing these funds, the superintendent of public instruction shall determine the state maximum school district average compensation level including benefits for certificated staff for the 1976-77 school year and the state maximum school district average compensation level including benefits for classified staff for the 1976-77 school year.

Such state maximum compensation levels including benefits increased by four percent shall be the "maximum control levels" for certificated and classified staff for the purposes of this section.

For the purpose of distributing these funds for the 1977-78 school year, each school district shall receive average compensation level including benefit increases for certificated and classified staff respectively as follows:

(a) Those school districts whose district average compensation level including benefits is above the state average compensation level including benefits for 1976-77, shall receive a six percent increase above the 1976-77 average compensation level including benefits: PROVIDED, That no district shall receive an increase which would raise average compensation levels including benefits above the "maximum control level" so defined.

(b) Those school districts whose district average compensation level including benefits is below the state average compensation level including benefits for 1976-77, shall receive a nine percent increase above the 1976-77 average compensation levels up to an amount not to exceed six percent above the state average compensation level including benefits for 1976-77.

(2) The superintendent of public instruction is hereby authorized to direct from the moneys available for distribution pursuant to and under the conditions of subsection (1) of this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through state funded categorical programs including Educational Service Districts.

(3) Compensation including benefit increases for classified and certificated staff supported by federal programs or traffic safety education funds shall be subject to the conditions of subsection (1) of this section and paid from the respective revenue source.

(4) The weighting schedule used by the superintendent of public instruction during the 1977-78 fiscal year in computing the apportionment of funds for each school district shall be based on the following factors:

- (a) A base weighting factor of 1.0 for each full time equivalent student enrolled;
- (b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction;
- (c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established

- in the immediately preceding school year for purposes of distribution during the 1977-78 fiscal year;
- (d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;
- (e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;
- (f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;
- (g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;
- (h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and
- (i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

(5) During the 1977-78 school year the superintendent of public instruction shall distribute not more than \$1,627,000 of the funds appropriated by this section, outside of the apportionment formula to school districts of which \$480,000 shall be for the following purposes:

- (a) To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$280,000;
- (b) To pay for school district emergencies by the expenditure of not more than \$200,000.

NEW SECTION. Sec. 97. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION ALLOCATION FOR FISCAL YEAR 1979

General Fund Appropriation	\$	770,674,000
Total Appropriation	\$	770,674,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The allocation of moneys for a basic education allocation per annual average full time equivalent student for the 1978-79 school year in each school district shall be determined by the superintendent of public instruction as follows: **PROVIDED**, That such basic education allocation so determined shall be converted and distributed on an annual average full time equivalent student basis:

- (a) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average

- annual twenty-three and one-half full time equivalent kindergarten, elementary, and secondary students;
- (b) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual nineteen and six-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction;
 - (c) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts enrolling not more than one hundred average annual full time equivalent students and for small school plants within any school district, which such districts or small plants have been judged to be remote and necessary by the state board of education as follows:
 - (i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, two and one-half certificated staff units;
 - (ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty-three and one-half annual average full time equivalent students;
 - (iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, eighty-five hundredths certificated staff unit;
 - (iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty-three and one-half annual average full time equivalent students.
 - (d) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students as follows:
 - (i) Eight and one-tenth certificated staff units for the first sixty annual average full time equivalent students;
 - (ii) Additional certificated staff units based upon a ratio of eighty-five hundredths certificated staff unit per forty-three and one-half average annual full time equivalent students.
 - (e) Compensation including benefits shall be calculated as herein provided for certificated staff units generated in subsections (a) through (d) above as follows:
 - (i) For the purposes of this subsection each district's 1977-78 average compensation levels including benefits shall mean such district's 1976-77 average compensation including benefits increased pursuant to section 96(1) of this act. "Maximum control levels" shall mean the "maximum control levels" established in section 96(1) of the act increased by four percent;
 - (ii) Compensation including benefits for those school districts whose 1977-78 average certificated compensation level including benefits is above the 1977-78 state average compensation level including benefits will be calculated on the basis of the 1977-78 district average compensation level including benefits

- increased by six percent: PROVIDED, That no district shall receive in excess of the "maximum control level".
- (iii) Compensation including benefits for those school districts whose 1977-78 average certificated compensation level including benefits is below the 1977-78 state average compensation level including benefits will be calculated by utilizing the 1977-78 district average compensation level including benefits increased by nine percent up to an amount not to exceed a six percent for any school district above the state average: PROVIDED, That for such districts the superintendent of public instruction shall utilize, pursuant to the provisions of section 4, chapter ... (SHB 1086), Laws of 1977 1st ex. sess., the actual 1977-78 compensation level including benefits for the purpose of calculating the entitlement for compensation including benefits increases as provided for in this subsection.
 - (f) The total basic education allocation for certificated employees shall be established for each district by using the salary determinations established in subsection (e) above multiplied by the numerical allocations determined in subsections (a), (b), (c), and (d) above.
 - (g) Respecting classified employees: A numerical allocation of one classified staff unit for each three certificated staff units as computed for the purposes of subsections (a), (c) and (d) above for each school district shall be established. Compensation including benefits shall be calculated as herein provided for classified staff units generated in this subsection as follows:
 - (i) For the purposes of this subsection each district's 1977-78 average compensation levels including benefits shall mean such district's 1976-77 average compensation including benefits increased pursuant to section 96(1) of this act. "Maximum control levels" shall mean the "maximum control levels" established in section 96(1) of this act increased by four percent:
 - (ii) Compensation including benefits for those school districts whose 1977-78 average classified compensation level including benefits is above the 1977-78 state average compensation level including benefits will be calculated on the basis of the 1977-78 district average compensation level including benefits increased by six percent: PROVIDED, That no district shall receive in excess of the "maximum control level".
 - (iii) Compensation including benefits for those school districts whose 1977-78 average classified compensation level including benefits is below the 1977-78 state average compensation level including benefits will be calculated by utilizing the 1977-78 district average compensation level including benefits increased by nine percent up to an amount not to exceed a six percent for any school district above the state average: PROVIDED, That for such districts the superintendent of public instruction shall utilize, pursuant to the provisions of section 4, chapter... (SHB 1086), Laws of 1977 1st ex. sess., the actual 1977-78 compensation level including benefits for the purpose of calculating the entitlement for compensation including benefits increases as provided for in this subsection.

- (h) The total basic education allocation for classified employees shall be established for each district by using the salary determination referred to in subsection (g) above multiplied by the numerical allocation established in subsection (g) above. In addition, each school district shall receive as part of the basic education allocation, for classified employee benefits, an amount to reimburse such district for their payments to the old-age and survivors insurance system embodied in the social security act, for employee retirement, industrial insurance, or any other benefit program mandated by the legislature for their classified staff units.
- (i) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for 1978-79 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (a), (c), and (d) above, multiplied by \$3,650 for each such certificated staff unit.

(2) Not more than \$6,601,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1978-79 school year from the 1977-78 base enrollment level, the Superintendent of Public Instruction shall distribute funds based on certificated staff units in the 1978-79 school year to such districts on the basis of the 1978-79 enrollment plus one-half the amount of the enrollment decline from the 1977-78 level. The superintendent of public instruction in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or 300 full time equivalent students, whichever is less, from the immediately preceding year, shall increase the enrollment as otherwise herein computed by fifty percent of the full time equivalent pupil enrollment loss from the previous year.

(3) Of the appropriation contained in this section the superintendent is hereby authorized to distribute up to \$11,096,000 for salary increases for certificated and classified staff in the state funded categorical programs including Educational Service Districts as of September 1, 1978. The superintendent shall determine the salary increase pursuant to the conditions in subsections (e) and (g) above.

(4) Salary increases for classified and certificated staff supported by federal programs or traffic safety education funds shall be subject to the conditions of subsections (e) and (g) and paid from the respective revenue source.

(5) To implement the provisions of chapter ... (SHB 480), Laws of 1977 1st ex. sess., \$600,000 shall be made available from this appropriation with any additional funds that should be required to implement the provision of chapter ... (SHB 480), Laws of 1977 1st ex. sess., coming from local or federal funds.

(6) The superintendent shall insure that in implementing the provisions of this section no school district shall receive fewer state dollars per annual average full time equivalent student than it received under the provisions of section 96 of this act.

(7) During the 1978-79 school year the superintendent of public instruction shall distribute not more than \$7,773,000 of the funds appropriated by this section, outside of the basic education allocation to school districts, of which \$530,000 shall be for the following purposes: To pay fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by the provisions of RCW 52.36.020 by the expenditure of not more than \$280,000; To pay for school district emergencies by the expenditure of not more than \$250,000.

NEW SECTION. Sec. 98. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	87,553,000
Total Appropriation	\$	87,553,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The appropriation contained in this section shall be expended exclusively for transportation of students "to and from" public schools and/or to approved learning centers and shall be expended in accordance with the provisions of chapter 392-141 WAC as such chapter exists on the effective date of this act. Sufficient funds are provided to reimburse school districts at a rate not to exceed 85 percent during the first year of the biennium and at a rate not to exceed 90 percent during the second year of the biennium: PROVIDED, That the superintendent shall make such reimbursements only to the extent necessary to reach the funding levels herein provided. Any portion of this appropriation not required to fund the respective reimbursement levels shall be placed in reserve and revert to the general fund at the end of each respective fiscal year.

(2) The superintendent shall distribute not more than \$415,000 for regional transportation coordinators.

NEW SECTION. Sec. 99. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	28,375,000
Total Appropriation	\$	28,375,000

The appropriation contained in this section shall be subject to the following condition or limitation: The superintendent shall distribute not less than 5 percent of this total appropriation exclusively for the purchase of instructional equipment. The superintendent shall recognize the differences among the programs at the vocational-technical institutes in distributing funds for instructional equipment: PROVIDED, That such distribution shall be exclusively for the support of core curriculum programs.

NEW SECTION. Sec. 100. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State	\$	4,941,000
General Fund Appropriation—Federal	\$	55,199,000
Total Appropriation	\$	60,140,000

NEW SECTION. Sec. 101. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EXCESS COSTS

General Fund Appropriation—State	\$	80,208,000
General Fund Appropriation—Federal	\$	12,594,000
Total Appropriation	\$	92,802,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) The number of students receiving special education for learning language disabilities shall be increased from 1.5 percent to 1.75 percent of the total student enrollment during the 1977-78 school year.

(2) The number of students receiving special education for learning language disabilities shall be increased from 1.75 percent to 2.0 percent of the total student enrollment during the 1978-79 school year.

(3) Handicapped program categories are budgeted for on the student-teacher ratios provided for by the rules and regulations adopted by the superintendent of public instruction with the exception of resource rooms which are budgeted for on a ratio of 35 students to 1 teacher.

(4) Federal funds appropriated by this section shall be for the purpose of program improvement.

(5) The superintendent shall distribute not more than \$75,000 for implementation of the eye safety program.

(6) The superintendent shall distribute not more than \$36,000 for continuation of the program to instruct teachers and school nurses in the techniques for recognizing and caring for epileptic students.

NEW SECTION. Sec. 102. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Account	
Appropriation	\$ 12,436,000
Total Appropriation	\$ 12,436,000

The appropriation contained in this section shall be subject to the following condition or limitation: School districts shall place first priority on reducing the participation fee charged to students for receiving traffic safety education from any increased reimbursement percentage received pursuant to this section.

NEW SECTION. Sec. 103. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation		\$ 5,894,000
General Fund—Traffic Safety Education Account		
Appropriation	\$	330,000
Total Appropriation	\$	6,224,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$250,000 of the general fund appropriation shall be for Cispus Environmental learning center for fiscal year 1978. Prior to November 15, 1977, the office of program planning and fiscal management shall submit a report to the governor, the house appropriations committee, and the senate ways and means committee analyzing the present usage of Cispus. The report shall contain but not be limited to the following information: A five year fiscal and program analysis on the maintenance and operation of continuing Cispus as an environmental learning center, and alternative uses for Cispus with a five year fiscal and program analysis of each alternative use.

NEW SECTION. Sec. 104. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR URBAN RURAL RACIAL DISADVANTAGED PROGRAMS

General Fund Appropriation		\$ 9,980,000
Total Appropriation	\$	9,980,000

NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State		\$ 10,864,000
General Fund Appropriation—Federal		\$ 3,654,000
Total Appropriation	\$	14,518,000

The appropriation contained in this section shall be sufficient to provide educational programs for a 220 day school year.

NEW SECTION. Sec. 106. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CULTURAL ENRICHMENT PROGRAMS

General Fund Appropriation		\$ 979,000
Total Appropriation	\$	979,000

NEW SECTION. Sec. 107. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER FOR MATHEMATICS AND SCIENCE EDUCATION SERVICES TO BE PROVIDED PUBLIC SCHOOL STUDENTS AND TEACHERS

General Fund Appropriation	\$	261,000
Total Appropriation	\$	261,000

The appropriation contained in this section shall be subject to the following condition or limitation: It shall be expended exclusively for the purpose of implementing the contract for educational services between the Pacific Science Center and the superintendent of public instruction. The transfer of title to the astronomy education facility and equipment to the Pacific Science Center Foundation or its successor shall be at such time as the value of educational services provided to public school students and teachers exceeds the costs reimbursed by the superintendent of public instruction and participating school districts by an amount equivalent to at least the cost to the superintendent of public instruction for the construction and acquisition of such facility and equipment.

NEW SECTION. Sec. 107A. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GIFTED SPECIAL PROGRAMS

General Fund Appropriation	\$	986,000
Total Appropriation	\$	986,000

The appropriation contained in this section shall be subject to the following condition or limitation: For the 1977-79 biennium the superintendent shall contract \$178,000 of this appropriation for services to support an approved gifted program to be conducted at Fort Worden state park.

NEW SECTION. Sec. 107B. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE STATE-WIDE DATA PROCESSING PROGRAM

General Fund Appropriation	\$	828,000
Total Appropriation	\$	828,000

NEW SECTION. Sec. 108. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal	\$	72,728,000
Total Appropriation	\$	72,728,000
Elementary and Secondary Education Act of 1965	\$	68,356,000
Education of Indian Children	\$	1,800,000
Adult Basic Education	\$	2,572,000

NEW SECTION. Sec. 109. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS

General Fund Appropriation—Federal	\$	24,007,000
Total Appropriation	\$	24,007,000

NEW SECTION. Sec. 110. COMMUNITY COLLEGE EDUCATION. The appropriations contained in sections 111 through 116 of this act shall be subject to the following conditions and limitations:

(1) The base system-wide formula funding levels included in the appropriations made in sections 111 through 116 of this act for each year of the biennium are:

- (a) Student services program—55.8% of formula entitlements;
- (b) Operation and maintenance program:
 - (i) 100% of formula entitlement for fixed costs; and
 - (ii) 60% of formula entitlement for variable costs;
- (c) Library services program:
 - (i) 55% of formula entitlement for staffing; and
 - (ii) 54% of formula entitlement for collections;

(d) Instruction program:

- (i) 72% of formula entitlement for faculty staffing; and
- (ii) 60% of formula entitlement for support staff and operations.

(2) The state board for community college education shall not transfer more than 8% of the funds generated by the formula entitlements set forth in subsection (1) of this section between programs. Such transfers are subject to review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the state board shall report the amounts and purposes of such transfers to the senate ways and means committee and house appropriations committee at the beginning of each session of the legislature.

(3) The legislature directs that Olympia Technical Community College shall not become a comprehensive community college and shall offer only those courses essential to vocational education.

(4) The appropriations contained in sections 112 through 116 of this act shall be contingent on chapter ... (SSB 2435), Laws of 1977 1st ex. sess. becoming law.

(5) The average full time faculty direct classroom contact hours for the community college system shall be at least 19 hours per week. Faculty direct classroom contact hours are defined as the actual number of hours of weekly instructional contact between the full time faculty member and the class in the case of scheduled classes and between the full time faculty member and the student enrolled in individual instruction courses. Office hours and informal student/faculty contact shall not be included except where specifically related to individual instruction courses. The council for postsecondary education shall develop uniform guidelines and reporting requirements to carry out the provisions of this subsection and shall monitor, each quarter or semester, institutional conformance to the provisions and guidelines. The council for postsecondary education shall provide a report to the house appropriations committee and the senate ways and means committee by February 1, 1978, on the fall quarter 1978 experience and a similar report by October 1, 1979, on the 1978-79 average annual experience.

NEW SECTION. Sec. 110A. The state board for community college education and the boards of trustees for community college districts thirteen and fourteen may waive the payment of nonresident fees by residents of Clatsop, Columbia, Washington, Multnomah, and Hood River counties, Oregon, for the duration of the 1977-79 biennium, contingent upon evidence that similar waivers are made for residents of Cowlitz, Clark, Pacific, or Wahkiakum counties, Washington, to attend any of the following Oregon institutions: Clatsop, Portland, or Mount Hood community colleges, or Portland state university.

The council for postsecondary education, in cooperation with the state board for community college education, shall undertake a study of the effects on costs and participation rates of such reciprocity arrangements, as well as the feasibility of other reciprocity agreements involving the states of Idaho and Oregon. The council for postsecondary education shall work with the above referenced Oregon institutions and their governing bodies to secure maximum participation by the state of Oregon. The council shall, to the extent possible, involve interested legislators, groups, and institutions in such efforts. The council for postsecondary education shall present its report with recommendations to the 46th regular session of the Washington state legislature.

NEW SECTION. Sec. 111. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE ADMINISTRATION AND GENERAL EXPENSE PROGRAM

General Fund Appropriation	\$	2,204,000
Total Appropriation	\$	2,204,000

NEW SECTION. Sec. 112. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	159,411,000
Total Appropriation	\$	159,411,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$6,523,000 shall be expended for the purchase and repair of instructional equipment.

(2) \$1,818,000 shall be expended for the small school adjustment to Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Skagit Valley Community Colleges. The distribution of such funds shall be based on a percent of formula entitlement for faculty staffing which shall be increased at the rate of one percentage point above the 72% base level for each 100 FTE students below the 2,500 enrollment level, except that no college shall be funded in excess of 87% of formula.

NEW SECTION. Sec. 113. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE LIBRARY SERVICES PROGRAM

General Fund Appropriation	\$	13,841,000
Total Appropriation	\$	13,841,000

NEW SECTION. Sec. 114. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	22,836,000
Total Appropriation	\$	22,836,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$1,000,000 shall be distributed by the state board and expended for the continuation of programs for minority and disadvantaged students.

NEW SECTION. Sec. 115. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	28,621,000
Total Appropriation	\$	28,621,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$1,242,000 contained in this appropriation shall be expended for the maintenance and development of the management information system and such funds shall be expended only pursuant to a plan approved by the Washington State Data Processing Authority.

NEW SECTION. Sec. 116. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	33,043,000
Total Appropriation	\$	33,043,000

NEW SECTION. Sec. 117. HIGHER EDUCATION.

The appropriations contained in sections 118 through 148 of this act shall be subject to the following conditions and limitations:

(1) The base formula funding for the four year institutions of higher education, unless otherwise provided for in sections 118 through 148 of this act, for each year of the biennium are based in part on special nonformula items and in part on the following formula entitlements:

- (a) Student services program—75% of formula entitlement;
- (b) Plant operations and maintenance program:
 - (i) 60% of formula entitlement for variable costs; and
 - (ii) 100% of formula entitlement for fixed costs;
- (c) Instruction and departmental research—General program:
 - (i) 70% of formula entitlement for faculty staffing for the University of Washington and Washington State University;
 - (ii) 72% of formula entitlement for faculty staffing for the four year state colleges; and
 - (iii) 75% of formula entitlement for faculty support;
- (d) Libraries program—55% of formula entitlement for staffing.

(2) The four year institutions of higher education are authorized to transfer up to five percent of the amount appropriated for any specific program or programs upon review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limit authorized by this subsection, are made the institution shall report the amount and purpose of any such transfer to the senate ways and means committee and the house appropriations committee at the beginning of each session of the legislature.

(3) No funds appropriated by sections 118 through 148 of this act shall be used for the inauguration or operation of any new degree program until such program has been reviewed and recommended by the council for postsecondary education.

(4) The appropriations contained in sections 118 through 148 of this act shall be contingent on chapter ... (SSB 2435), Laws of 1977 1st ex. sess. becoming law.

(5) The average full time faculty direct classroom contact hours shall be at least 12 hours per week for the two universities and 14 hours per week for the four state colleges. Faculty direct classroom contact hours are defined as the actual number of hours of weekly instructional contact between the full time faculty member and the class in the case of scheduled classes and between the full time faculty member and the student enrolled in individual instruction courses. Office hours and informal student/faculty contact shall not be included except where specifically related to individual instruction courses. The council for postsecondary education shall develop uniform guidelines and reporting requirements to carry out the provisions of this subsection and shall monitor, each quarter or semester, institutional conformance to the provisions and guidelines. The council for postsecondary education shall provide a report to the house appropriations committee and the senate ways and means committee by February 1, 1978, on the fall quarter 1978 experience and a similar report by October 1, 1979, on the 1978-79 average annual experience.

NEW SECTION. Sec. 118. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$ 151,398,000
Accident Fund Appropriation	\$ 748,000
Medical Fund Appropriation	\$ 748,000
Total Appropriation	\$ 152,894,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) \$447,000 shall be expended for the Joint Center for Graduate Study—Richland.
- (2) \$1,100,000 shall be for Family Medicine Education and Residency Programs provided for by chapter 70.112 RCW.

NEW SECTION. Sec. 119. FOR THE UNIVERSITY OF WASHINGTON—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$ 15,993,000
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Total Appropriation	\$	15,993,000
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The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 80.46% of such formula entitlement for collections for the first year of the 1977-79 biennium and is at 80.73% of such formula entitlement for collections for the second year of the 1977-79 biennium and is at 75% of such formula entitlement for staffing for the 1977-79 biennium and is further based in part on special nonformula items.

NEW SECTION. Sec. 120. FOR THE UNIVERSITY OF WASHINGTON—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	8,980,000
Total Appropriation	\$	8,980,000

The appropriation contained in this section shall be subject to the following condition or limitation: Not less than \$1,900,000 shall be expended for the Educational Opportunity Program.

NEW SECTION. Sec. 121. FOR THE UNIVERSITY OF WASHINGTON—FOR THE UNIVERSITY HOSPITAL PROGRAM

General Fund Appropriation	\$	16,207,000
Total Appropriation	\$	16,207,000

NEW SECTION. Sec. 122. FOR THE UNIVERSITY OF WASHINGTON—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	24,709,000
Total Appropriation	\$	24,709,000

NEW SECTION. Sec. 123. FOR THE UNIVERSITY OF WASHINGTON—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	31,238,000
Total Appropriation	\$	31,238,000

NEW SECTION. Sec. 124. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	89,821,000
Total Appropriation	\$	89,821,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$421,000 shall be expended for the Joint Center for Graduate Study—Richland.

(2) Not less than \$508,000 shall be expended for the support of Washington State University's participation in the WAMI Program.

NEW SECTION. Sec. 125. FOR WASHINGTON STATE UNIVERSITY—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	7,478,000
Total Appropriation	\$	7,478,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 69.36% of such formula entitlement for collections for the first year of the 1977-79 biennium and is at 70.40% of such formula entitlement for collections for the second year of the 1977-79 biennium and is at 60% of such formula entitlement for staffing for the 1977-79 biennium and is further based in part on special nonformula items.

NEW SECTION. Sec. 126. FOR WASHINGTON STATE UNIVERSITY—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	5,609,000
Total Appropriation	\$	5,609,000

NEW SECTION. Sec. 127. FOR WASHINGTON STATE UNIVERSITY—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	11,227,000
Total Appropriation	\$	11,227,000

NEW SECTION. Sec. 128. FOR WASHINGTON STATE UNIVERSITY—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	17,611,000
Total Appropriation	\$	17,611,000

NEW SECTION. Sec. 129. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	22,214,000
Total Appropriation	\$	22,214,000

NEW SECTION. Sec. 130. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	2,243,000
Total Appropriation	\$	2,243,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 85.28% of such formula entitlement for collections in the first year of the 1977-79 biennium and is at 86.39% of such formula entitlement for collections in the second year of the 1977-79 biennium.

NEW SECTION. Sec. 131. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	2,378,000
Total Appropriation	\$	2,378,000

NEW SECTION. Sec. 132. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	4,303,000
Total Appropriation	\$	4,303,000

NEW SECTION. Sec. 133. FOR EASTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	6,886,000
Total Appropriation	\$	6,886,000

NEW SECTION. Sec. 134. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM.

General Fund Appropriation	\$	20,475,000
Total Appropriation	\$	20,475,000

The appropriation contained in this section shall be subject to the following condition or limitation: \$50,000 shall be used for the development and operation of educational services in the Tri-Cities: PROVIDED, That Central Washington State College present its plan for the delivery of educational services in the Tri-Cities to the Council for Postsecondary Education and such plan is favorably reviewed and recommended by the Council.

NEW SECTION. Sec. 135. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	2,876,000
Total Appropriation	\$	2,876,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 90.28% of such formula entitlement for collections in the first year of the 1977-79 biennium and is at 91.31% of such formula entitlement for collections in the second year of the 1977-79 biennium.

NEW SECTION. Sec. 136. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	2,316,000
Total Appropriation	\$	2,316,000

NEW SECTION. Sec. 137. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	4,266,000
Total Appropriation	\$	4,266,000

NEW SECTION. Sec. 138. FOR CENTRAL WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	5,435,000
Total Appropriation	\$	5,435,000

NEW SECTION. Sec. 139. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	8,053,000
Total Appropriation	\$	8,053,000

NEW SECTION. Sec. 140. FOR THE EVERGREEN STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	2,174,000
Total Appropriation	\$	2,174,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 96.62% of such formula entitlement for collections in the first year of the 1977-79 biennium and is at 97.48% of such formula entitlement for collections in the second year of the 1977-79 biennium.

NEW SECTION. Sec. 141. FOR THE EVERGREEN STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	996,000
Total Appropriation	\$	996,000

NEW SECTION. Sec. 142. FOR THE EVERGREEN STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	2,717,000
Total Appropriation	\$	2,717,000

NEW SECTION. Sec. 143. FOR THE EVERGREEN STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	4,002,000
Total Appropriation	\$	4,002,000

NEW SECTION. Sec. 144. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTRUCTIONAL SERVICES PROGRAM

General Fund Appropriation	\$	26,651,000
Total Appropriation	\$	26,651,000

NEW SECTION. Sec. 145. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE LIBRARIES PROGRAM

General Fund Appropriation	\$	3,178,000
Total Appropriation	\$	3,178,000

The funds appropriated by this section are based in part on a formula entitlement derived by the use of the libraries budget model and the funding level contained in this section is at 88.93% of such formula entitlement for collections in the first year of the 1977-79 biennium and is at 90.00% of such formula entitlement for collections in the second year of the 1977-79 biennium.

NEW SECTION. Sec. 146. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE STUDENT SERVICES PROGRAM

General Fund Appropriation	\$	3,279,000
Total Appropriation	\$	3,279,000

NEW SECTION. Sec. 147. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE INSTITUTIONAL SUPPORT PROGRAM

General Fund Appropriation	\$	5,431,000
Total Appropriation	\$	5,431,000

NEW SECTION. Sec. 148. FOR WESTERN WASHINGTON STATE COLLEGE—FOR THE PLANT OPERATIONS AND MAINTENANCE PROGRAM

General Fund Appropriation	\$	5,885,000
Total Appropriation	\$	5,885,000

NEW SECTION. Sec. 149. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	34,000
Total Appropriation	\$	34,000

NEW SECTION. Sec. 150. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation—State	\$	12,476,000
General Fund Appropriation—Federal	\$	2,290,000
Total Appropriation	\$	14,766,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) From such funds as are included for student financial aid in this appropriation, the Council shall make the largest possible distribution to the State Work Study program consistent with estimates of employment opportunities for students.

(2) Not more than \$25,000 shall be expended to continue reviewing existing and developing new Instructional and Library formulas.

(3) Not more than \$25,000 shall be expended to study and make recommendations on the curriculum and costs of The Evergreen State College. The study shall determine the actions necessary to broaden the institutions clientele base by introducing traditional undergraduate and graduate course offering and reduce the institutions total operating costs per FTE student to the average cost per FTE student at the other three state colleges.

NEW SECTION. Sec. 151. FOR THE COMMISSION ON VOCATIONAL EDUCATION

General Fund Appropriation—State	\$	2,806,000
General Fund Appropriation—Federal	\$	18,310,000
Total Appropriation	\$	21,116,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) No state funds shall be expended by the Advisory Council for Vocational Education.

(2) \$280,000 of the \$18,310,000 general fund appropriation—federal shall be expended for fire service training special research projects.

(3) Additional state funds in excess of those provided for by the appropriations contained in this section to secure maximum or replace anticipated federal funds shall be considered upon justification therefor.

NEW SECTION. Sec. 152. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund		
Appropriation	\$	910,000
Total Appropriation	\$	910,000

NEW SECTION. Sec. 153. FOR THE STATE LIBRARY

General Fund Appropriation—State	\$	5,433,000
General Fund Appropriation—Federal	\$	2,494,000
General Fund Appropriation—Private	\$	840,000
Washington Library Network Data Processing System		
Revolving Fund Appropriation—State	\$	1,188,000
Washington Library Network Data Processing System		
Revolving Fund Appropriation—Private/Local	\$	4,503,000
Total Appropriation	\$	14,458,000

NEW SECTION. Sec. 154. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	675,000
General Fund Appropriation—Federal	\$	845,000
Indian Cultural Center Construction Account Appropriation—State	\$	1,000,000
Total Appropriation	\$	2,520,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) No bonds authorized by chapter 128, Laws of 1975-'76 2nd ex. sess. shall be sold until not less than \$2,700,000 in additional federal and private funding is provided or secured.

(2) The Indian Cultural Center Construction Account Appropriation contained in this section shall be expended exclusively for a grant to the City of Seattle for planning, acquisition, design, construction, furnishing, and landscaping of a regional Indian cultural and educational facility designated as the "People's Lodge" and located at Discovery Park or any site in Seattle, agreed to by the city.

NEW SECTION. Sec. 155. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	455,000
Total Appropriation	\$	455,000

NEW SECTION. Sec. 156. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	408,000
Total Appropriation	\$	408,000

NEW SECTION. Sec. 157. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	388,000
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General Fund—State Capitol Historical Association

Museum Account Appropriation	\$	46,000
Total Appropriation	\$	434,000

The appropriation contained in this section shall be subject to the following condition or limitation: No more than \$25,000 of the general fund appropriation shall be expended exclusively for a study to be submitted no later than November 1, 1978, to the senate ways and means committee and the house of representatives appropriation committee and the standing state government committees of the legislature to determine the potential of developing a self-supportive basis for the state capitol museum through permissible business enterprises or other activities which will provide profit to the museum. The intent of this study is to determine whether or not it is possible for a state museum to provide for its own financial support without state support. The study will include what is being done in other states, an economic assessment of the potential in this state, an implementation plan, and a draft of proposed enabling legislation.

NEW SECTION. Sec. 158. FOR THE STATE TREASURER—
TRANSFERS.

General Fund Appropriation: For transfer to the Washington Library Network Data Processing System Revolving Fund	\$	1,188,000
General Fund Appropriation: For transfer to the Reserve for Accrued Revenue Account pursuant to chapter 70, Laws of 1975-'76 2nd ex. sess.	\$	36,100,000
State Treasurer's Service Fund Appropriation: For transfer to the state general fund on or before July 20, 1979, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1980, for credit to the fiscal year in which earned	\$	5,000,000
General Fund—Investment Reserve Account Appropriation: For transfer to the state general fund on or before June 30, 1979, pursuant to chapter 50, Laws of 1969	\$	9,200,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1979, pursuant to the provisions of section 4(2), chapter 129, Laws of 1972 ex. sess.	\$	6,000,000
General Fund—State and Local Improvements Revolving Account—Public Recreation Facilities Appropriation: For transfer to the General Fund—Outdoor Recreation Account on or before June 30, 1979, pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.	\$	6,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the Utilities and Transportation Commission for the 1977-79 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53-291	\$	582,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the Department of Highways and the		

Washington State Patrol during the period July 1, 1977, through June 30, 1979 \$ 2,000,000

NEW SECTION, Sec. 159. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period July 1, 1977, to June 30, 1979.

SUNDRY CLAIMS

General Fund Appropriations, except as otherwise provided, for relief of various individuals, firms, and corporations for sundry claims and for the reason that the state of Washington recognizes a moral obligation to these claimants. These appropriations are to be disbursed on vouchers approved by the chief fiscal officer of the executive branch, except as otherwise provided, as follows:

- (1) RUTH B. PEDERSON, For payment to widow of policeman in lieu of pension \$ 1,535.00
- (2) KEN'S PHARMACY, Payment for prescriptions provided to state applicants \$ 1,305.55
- (3) BARRY J. DAHL, Payment of cost bill for State v. Charles Lesnick \$ 416.80
- (4) PATRICIA J. ORSBORN, Payment of transcription fee for Anderson v. Morris \$ 78.00
- (5) DONALD E. EARNEST, Payment for overcharge for 1973 travel trailer license fees \$ 49.00
- (6) CLERK OF THE SUPERIOR COURT, County of Spokane, costs assessed against the state pursuant to Supreme Court Remittitur No. 43685 \$ 222.94
- (7) CLERK OF THE SUPERIOR COURT, County of Cowlitz, Costs assessed against the state pursuant to Supreme Court Remittitur No. 1655-II \$ 185.62
- (8) VALEN H. HONEYWELL, Judgment against the state in Pacific National Bank v. State \$ 5,978.46
- (9) J. STEVEN THOMAS, Costs assessed against the state \$ 42.00
- (10) RICHARD E. SNYDER, Payment for loss of personal property during robbery at state liquor store \$ 40.75
- (11) RUSSELL A. AUSTIN, JR., Judgment against the state in Y.A.F. v. C.O.P.E. \$ 5,551.59
- (12) MARLIN L. VORTMAN, Judgment against the state in Geary S. Thompson v. Wenatchee Valley College \$ 2,592.70
- (13) HANS C. H. JENSEN, Payment for cost bill pursuant to Iverson v. Marine Bancorporation \$ 300.00
- (14) WILLIAM B. CAMERON, Payment for construction work at Skagit Valley College: PROVIDED, That payment is hereby authorized and shall be made from Skagit Valley College Reserve Funds \$ 28,708.23
- (15) MICHAEL C. CHRISTIE and JOHN M. WATSON: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Michael C. Christie and John M. Watson prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof,

- and their agents, from any further claims with regard to payment for relief of unjust imprisonment" \$ 100,000.00
- (16) JAMES V. KESSLER, Payment for crop damage caused by elk over a two year period: PROVIDED, That \$732.00 shall be for damages caused in calendar year 1975 and \$802.50 shall be for damages caused in calendar year 1976: PROVIDED FURTHER, That two separate payments shall be made from Department of Game Funds, established for that purpose pursuant to RCW 77.12.280 \$ 1,534.50
- (17) SCOTT R. WARD, Payment for crop damage caused by elk \$ 2,500.00
- (18) JOE AND LAFE WILSON, Damage to fruit trees by beaver \$ 5,000.00
- (19) PAULINE McCLELLAN, Damage to coats by mice \$ 115.00
- (20) ROBERT A. KIESZ, Payment for legal services for representing a client on behalf of the state \$ 938.39
- (21) RICHARD McKINNEY, Payment for relief for the death of the daughter of Mr. and Mrs. Alfred Kinghammer: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Alfred Kinghammer and Richard McKinney prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to the death of the daughter (Nancy Kinghammer) caused by James Edward Ruzicka" \$ 120,000.00
- (22) KINNE F. HAWES, Payment for relief for death of daughter of Edward and Geraldine Haddenham: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be presigned by Edward and Geraldine Haddenham and Kinne F. Hawes prior to the release of the warrant, which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof, and their agents, from any further claims with regard to the death of the daughter (Penny Haddenham) caused by James Edward Ruzicka" \$ 120,000.00
- (23) WILLIAM C. MEECE and HOWARD K. MICHAELSEN: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be signed by William C. Meece and Howard K. Michaelsen prior to the release of the warrant which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof and

their agents and all parties to Cause No. 180299, Superior Court of Spokane County, from any future claims with regard to payment for the relief of personal injuries received by William C. Meece at Circle Bar J Ranch, except that William C. Meece may seek satisfaction of judgment in Cause No. 180299 against Circle Bar J Ranch in an amount not to exceed \$10,000.00. The undersigned further agree to file with the Spokane County Superior Court a release of judgment satisfying Cause No. 180299 entered on the 24th day of July, 1974, in all amounts except \$10,000.00 which will remain the obligation of the defendant in said action." \$ 100,000.00

(24) HELEN LEE HOLCOMB, DONALD J. HOROWITZ, JUDITH JEFFERS, and GERALD L. BANGS: PROVIDED, That the chief fiscal officer of the executive branch is authorized and directed to draw up a separate voucher, such voucher to be signed by Helen Lee Holcomb, Donald J. Horowitz, Judith Jeffers, and Gerald L. Bangs prior to the release of the warrant which voucher shall state: "By the acceptance of this amount the undersigned release the state of Washington and all political subdivisions thereof and their agents from any further claims with regard to personal injuries suffered by claimant Helen Lee Holcomb on March 11, 1973. The undersigned attorneys, Donald J. Horowitz, Judith Jeffers, and Gerald L. Bangs further agree that they release claimant Helen Lee Holcomb from any claims against her for attorneys fees, costs, and expenses incurred on her behalf in connection with this claim or the injuries which are the basis thereof, in excess of one-third of the amount granted herein, notwithstanding the terms of any other agreement between the undersigned parties." \$ 75,000.00

(25) CLERK OF THE SUPERIOR COURT, County of Pacific, Costs assessed against the state pursuant to Supreme Court Remittitur No. 44158 \$ 1,198.25

ELECTION COSTS

General Fund Appropriation reimbursing counties for the state's share of election costs:

ADAMS COUNTY	\$	4,473.91
ASOTIN COUNTY	\$	4,199.52
BENTON COUNTY	\$	11,369.95
CHELAN COUNTY	\$	11,890.51
CLALLAM COUNTY	\$	13,029.46
CLARK COUNTY	\$	17,486.58
COLUMBIA COUNTY	\$	1,056.33
COWLITZ COUNTY	\$	20,795.20
DOUGLAS COUNTY	\$	7,170.00
FERRY COUNTY	\$	8,090.85
FRANKLIN COUNTY	\$	4,461.83
GARFIELD COUNTY	\$	954.39
GRANT COUNTY	\$	13,531.35

GRAYS HARBOR COUNTY	\$	14,083.91
ISLAND COUNTY	\$	7,529.94
JEFFERSON COUNTY	\$	3,066.68
KING COUNTY	\$	227,840.85
KITSAP COUNTY	\$	19,344.98
KITTITAS COUNTY	\$	6,411.35
KLICKITAT COUNTY	\$	6,188.98
LEWIS COUNTY	\$	25,348.08
LINCOLN COUNTY	\$	9,605.24
MASON COUNTY	\$	9,389.38
OKANOGAN COUNTY	\$	9,413.22
PACIFIC COUNTY	\$	8,006.85
PEND OREILLE COUNTY	\$	5,668.38
PIERCE COUNTY	\$	58,355.60
SAN JUAN COUNTY	\$	3,313.04
SKAGIT COUNTY	\$	17,308.53
SKAMANIA COUNTY	\$	4,242.88
SNOHOMISH COUNTY	\$	66,829.51
SPOKANE COUNTY	\$	46,636.03
STEVENS COUNTY	\$	5,517.66
THURSTON COUNTY	\$	22,354.87
WAHKIAKUM COUNTY	\$	3,767.29
WALLA WALLA COUNTY	\$	8,161.71
WHATCOM COUNTY	\$	13,615.56
WHITMAN COUNTY	\$	12,337.62
YAKIMA COUNTY	\$	23,645.42

NEW SECTION. Sec. 160. The office of program planning and fiscal management is hereby requested to cooperate fully with the legislative evaluation and accountability program committee in the areas of appropriation schedules, allotments, and estimated expenditure schedules as such items relate to the monitoring and evaluation by the LEAP data processing system of funds appropriated in this act. It is the intent of the legislature to cooperate with the governor in the implementation of RCW 43.88.070 which provides in part: "Appropriations shall be deemed maximum authorizations to incur expenditures... to ensure that expenditure rates are such that program objectives are realized within these maximums".

NEW SECTION. Sec. 160A. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess. the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1977.

NEW SECTION. Sec. 161. Notwithstanding any other provision of law, the employers' contribution rate for the Public Employees' Retirement System shall be established based upon a long term interest earning assumption of seven percent for the investment of system funds. No appropriation contained in this act shall be used to make contributions at a rate higher than that required by this section. It is intended that this adjustment shall reduce state general fund expenditures by eight million five hundred thousand dollars for the 1977-79 biennium.

NEW SECTION. Sec. 162. The word "agency" used herein means and includes every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above mentioned officials serve.

NEW SECTION. Sec. 163. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

(1) Allot all or any portion of the funds herein appropriated or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: **PROVIDED**, That the director of the office of program planning and fiscal management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of chapter 15.66 RCW; the legislative branch of state government including the legislative budget committee, the statute law committee, and any legislative committee; or the judicial branch of state government: **PROVIDED FURTHER**, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved appropriations or to incur a deficiency and any obligations so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revisions of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1977, for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1977: **PROVIDED**, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1977.

NEW SECTION. Sec. 164. Unless prohibited by federal law the receipt of federal or other funds which are not anticipated in the appropriation bill enacted by the legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources. Any state funds replaced by federal or other receipts shall be placed in reserve to the credit of the appropriate state fund or account, and shall not be expended, unless authorized by the legislature.

NEW SECTION. Sec. 165. In the event that receipts shall be less than those estimated in the budget from any source, expenditures shall be limited to the amount received and allotments made as provided in section 163 of this act. Receipts for purposes of this section shall include amounts realized within one calendar month following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

NEW SECTION. Sec. 165A. State funds appropriated for the specific purpose of matching federal funds and which are not required wholly or in part to qualify for such federal funds shall be placed in reserve and shall revert to the fund from which appropriated at the end of the respective fiscal year.

NEW SECTION. Sec. 166. Any programs which are supported in whole or in part by federal funds shall not receive any additional state funds for the programs in the event that federal funds are reduced or eliminated for the program.

NEW SECTION. Sec. 166A. If a scheduled program or project funded by the appropriations contained in this act has not been fully implemented during any quarter of the respective fiscal year, then the office of program planning and fiscal management shall withhold the equivalent amount of the appropriation and full time equivalent staff years from such program or project and shall place the same in reserve.

NEW SECTION. Sec. 167. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

NEW SECTION. Sec. 168. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management shall direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 169. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, and interest on registered warrants, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 170. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 171. In accordance with the provisions of this section the office of program planning and fiscal management shall use the allotment process during the 1977-79 biennium to control the funding of the formula portion of the instruction and departmental research program of all the four year institutions of higher education and the community colleges. For the purpose of the controls outlined in this section, deviations in the formula entitlements for faculty staffing shall be the controlling factor for the four year institutions of higher education while full time equivalent student enrollment will be the controlling factor for the community college system. For the purpose of this section, the "contract level" is defined as the level upon which the budget is based, and the "base level" is defined as the formula entitlement level corresponding to the prior year's actual enrollment level. Controls shall be applied to each four year institution separately and to the community college education system as a total entity. "Growth funding" is defined as that portion of the state general fund appropriation by which the contract level exceeds the base level. Growth funds may be allotted at the option of the school or system.

Unearned growth funds will be reverted to the state general fund prior to the end of the fiscal year in which such growth fails to materialize.

Contract enrollments for the second year of the biennium will be renegotiated in the event the first year's actual enrollment falls below the base level of the first year. Contract enrollments for the second year of the biennium shall not be renegotiated in the event that the first year's actual enrollments exceeds the contract level established for the first year.

NEW SECTION. Sec. 171A. It is the expressed intention of the legislature that agency operational activity shall be regularly monitored by the office of program planning and fiscal management, under their statutory authority relating to the allotment control function, in order to limit fluctuations in the respective fiscal year spending patterns which tend to inflate the expenditures in the second fiscal year of the biennium. Particular control emphasis shall be placed on those instances in which the full time equivalent staff years authorization is deliberately delayed in order to increase the agency's full time equivalent staff years as substantiation for the second fiscal year or the ensuing biennial request. Unanticipated receipts, which are authorized by the governor and expended by any state agency, shall be allotted, monitored, controlled, and reported separately at the end of the respective fiscal year and at the end of the biennium to the governor and the house appropriations committee and the senate ways and means committee. Such report shall identify the full time equivalent staff years and the program and/or activity for which such funds were expended.

NEW SECTION. Sec. 172. To obtain maximum interagency use of aircraft, the Aeronautics Commission in accordance with chapter 39.34 RCW is hereby authorized to lease, purchase, or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: **PROVIDED,** That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance, and make such other provisions as necessary to provide aircraft and related services for multi-agency use: **PROVIDED FURTHER,** That in order to achieve economy in the use of the appropriations contained within this act no state agency may purchase or otherwise acquire an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the director of the office of program planning and fiscal management.

NEW SECTION. Sec. 173. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act; the rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 174. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 175. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Senators Donohue, Odegaard and Scott; Representatives Blair, Shinpoch and Thompson.

MOTION

On motion of Senator Walgren, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference, to Substitute Senate Bill No. 3109.

MOTION

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

1977-109 Study, changing state budget cycle

1977-110 Study, determine need of revision to Title 51

MOTION

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

SENATE RESOLUTION 1977-111

By Senators Sandison and Walgren:

WHEREAS, In more than 20 years of service to the citizens of the State of Washington, William A. Bugge played a key role in the development of the transportation network of this state; and

WHEREAS, William A. Bugge served as County Engineer for Jefferson County and helped to build the highways, roads and bridges which united the residents of Jefferson County; and

WHEREAS, Serving 14 years as Director of Highways of the State of Washington from 1949 through 1963, William A. Bugge administered the construction of over 4000 miles of state highway, including the establishment of the Interstate highway system; and

WHEREAS, During his directorship, William A. Bugge was responsible for the planning and construction of the Hood Canal Bridge, connecting Jefferson and Kitsap Counties for the first time, and opening the Olympic Peninsula to the citizens of the state; and

WHEREAS, The strong leadership qualities of William A. Bugge prevailed in the decision to undertake this courageous and innovative engineering project;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington hereby requests that the State Highway Commission and the Toll Bridge Authority rename the Hood Canal Bridge in honor of William A. Bugge.

MOTION

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

SENATE RESOLUTION 1977-112

By Senators Rasmussen and Peterson:

WHEREAS, Steelhead angling in Washington State and Pacific Northwest streams annually attracts thousands of visiting fishermen who contribute greatly to the recreational economy of the Evergreen State; and

WHEREAS, The steelhead trout has been designated as a game fish by this Legislature and in neighboring states and may be taken only through the use of sports fishing gear and may not be sold in Washington as a commercial fish; and

WHEREAS, The artificial propagation of Steelhead in Washington has been financed primarily by funds from sports fishermen; and

WHEREAS, United States Federal Court decisions interpreting treaties with Indians have allowed commercial Indian fishermen to take large numbers of the Steelhead sports fish, placing them in commercial channels to the detriment of

sports fishing and the importance to the economy of the state as a sports attraction; and

WHEREAS, This conversion of Steelhead trout to a commercial fish of relatively lower value to the economy, in comparison to the value of this species as a sports activity, has caused great dissatisfaction among the citizens of the State of Washington; and

WHEREAS, The Steelhead Trout, in fact, should be classified as a national game fish, making it unlawful for any person to sell or deliver, receive for transportation, or transport any steelhead for sale;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Congress be urged to enact legislation amending the Federal "Black Bass" Act (P. L. 91-135) to accomplish the same restrictions on the sale, delivery, or transportation of Steelhead Trout (Salmo Gairdnerii) as apply to Black Bass; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Washington State Congressional delegation.

MOTIONS

On motion of Senator Marsh, Senators Fleming, Grant, McDermott, Sandison and Woody were excused.

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 123, by Senators Walgren, Peterson and Donohue:

Providing for a legislative interim management and program analysis of the department of fisheries.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 123 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 123 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

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

MOTION

On motion of Senator Jones, Senators North and Sellar were excused.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 255, by Committee on Local Government (originally sponsored by Representatives Newhouse and Thompson):

Granting irrigation and port districts the power to designate their own treasurers.

The Senate resumed consideration of Substitute House Bill No. 255, as amended by the Senate, on reconsideration. The bill having failed to pass the Senate on June 10, 1977.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 255, as amended by the Senate, was returned to second reading.

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

On page 3, line 5 after "section." strike Section 2 in its entirety.

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

On page 1, line 1 of the title after "government;" strike all material through "RCW 53.36.010; and" on line 3.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 255, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Benitz: "Would Senator Morrison yield to a question? Senator Morrison, will passage of this bill into law relieve the county treasurer of all duties and responsibilities concerning irrigation district assessments such as the selling of delinquent property?"

Senator Morrison: "Senator Benitz, I am sure that it includes almost all of the duties. I am not sure whether the disposal of property is one of those jobs that is transferred. I can check that out for you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 255, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 28; nays, 9; absent or not voting, 3; excused, 9.

Voting yea: Senators Beck, Bluechel, Bottiger, Clarke, Donohue, Francis, Gaspard, Goltz, Guess, Henry, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Odegaard, Peterson, Ridder, Rohrbach, Scott, Van Hollebeke, Wanamaker, Washington, Wilson, Wojahn—28.

Voting nay: Senators Bausch, Benitz, Day, Herr, Newschwander, Rasmussen, Talley, von Reichbauer, Walgren—9.

Absent or not voting: Senators Grant, Pullen, Sandison—3.

Excused: Senators Buffington, Fleming, Gould, Hayner, McDermott, Murray, North, Sellar, Woody—9.

SUBSTITUTE HOUSE BILL NO. 255, as amended by the Senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 3, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 21, 1977.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred as SUBSTITUTE HOUSE BILL NO. 3, as amended by the Senate, taxing federal nuclear power generators, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Bottiger, Benitz and Morrison; Representatives Kilbury, Oliver and Sommers.

MOTION

On motion of Senator Jones, Senator Pullen was excused.

MOTION

On motion of Senator Benitz, the report of the Free Conference Committee on Substitute House Bill No. 3 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; nays, 4; absent or not voting, 2; excused, 9.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Guess, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, Monohon, Morrison, Newschwander, Peterson, Ridder, Rohrbach, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—34.

Voting nay: Senators Goltz, McDermott, Odegaard, Rasmussen—4.

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

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, North, Pullen, Sellar, Woody—9.

SUBSTITUTE HOUSE BILL NO. 3, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 727, by Representatives Conner, Gallagher, Gilleland and Vrooman:

Changing laws on reporting of vehicle accidents.

The Senate resumed consideration of Engrossed House Bill No. 727. On May 27, 1977, the bill was amended and held for further consideration.

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 727, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 727, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 3; absent or not voting, 3; excused, 8.

Voting yea: Senators Bausch, Beck, Benitz, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Guess, Henry, Jones, Keefe, Mardesich, Marsh, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Rohrbach, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—35.

Voting nay: Senators Bluechel, Lewis, Wilson—3.

Absent or not voting: Senators Grant, Matson, Sandison—3.

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, Pullen, Sellar, Woody—8.

ENGROSSED HOUSE BILL NO. 727, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Henry, Engrossed House Bill No. 727, as amended by the Senate, was ordered immediately transmitted to the House.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1203, by Committee on Education (originally sponsored by Representative McKibbin):

Authorizing expenditures to implement programs of proper educational practices.

The Senate resumed consideration of Substitute House Bill No. 1203 as amended by the Senate. On June 8, 1977 the bill failed to pass the Senate. On June 9, 1977 the Senate moved to reconsider the vote by which the bill failed to pass.

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 1203, as amended by the Senate, was returned to second reading.

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

On page 1, line 18, strike all the material down to and including "objectives." on line 20, and insert:

"The programs and proven educational practices noted herein shall be limited to those which have, by the specified criteria, been proven as successful: Project Success, Classroom Intervention, and Help One Student to Succeed."

On motion of Senator Marsh, Substitute House Bill No. 1203, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 1203 as amended by the Senate, was ordered held for further consideration after the evening recess.

MOTION

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

REPORT OF STANDING COMMITTEE

June 19, 1977.

SUBSTITUTE HOUSE BILL NO. 1009, an act relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 1, line 11, strike everything after the enacting clause and insert the following:

"Section 1. Section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.2901 are each amended to read as follows:

From and after the first day of June, 1976, until the thirtieth day of June, ((1977)) 1979, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.220 through 82.04.290, inclusive, an additional tax in the amount of six percent of the tax payable under the provisions of RCW 82.04.220 through 82.04.290, inclusive. To facilitate collection of this additional tax, the

department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed.

Sec. 2. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.08.020 are each amended to read as follows:

There is levied and there shall be collected a tax on each retail sale in this state equal to four and one-half percent of the selling price: PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, ((1977)) 1979, such tax shall be levied and collected in an amount equal to four and six-tenths percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property.

Sec. 3. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and one-half percent: PROVIDED, That from and after the first day of June, 1976, until the thirtieth day of June, ((1977)) 1979, such tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and six-tenths percent.

NEW SECTION. Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Beginning on line 1 of the title after "taxation;" strike the remainder of the title and insert "amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 130, Laws of 1975-'76 2nd ex. sess. and RCW 82.12.020; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Mardesich, Matson, Morrison, Rasmussen, Ridder, Sandison, Walgren, Washington.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 1009 was advanced to second reading and read the second time in full.

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

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 1009, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1009, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 11; absent or not voting, 2; excused, 8.

Voting yea: Senators Bausch, Beck, Bluechel, Bottiger, Day, Donohue, Francis, Gaspard, Goltz, Herr, Keefe, Lewis, Mardesich, Matson, McDermott, Monohon, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Scott, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn—28.

Voting nay: Senators Benitz, Clarke, Guess, Henry, Jones, Marsh, Morrison, North, Rohrbach, Talley, von Reichbauer—11.

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

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, Pullen, Sellar, Woody—8.

SUBSTITUTE HOUSE BILL NO. 1009, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3109, and has passed the bill as amended by the Free Conference Committee, and the report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 21, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred Substitute Senate Bill No. 3109, as amended by the House, adopting the 1977-79 operating budget, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee.

Signed by: Senators Donohue, and Odegaard; Representatives Shinpoch, Thompson and Blair.

MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Substitute Senate Bill No. 3109 was adopted.

MOTION

At 6:32 p.m., on motion of Senator Walgren, the Senate recessed until 7:20 p.m.

EVENING SESSION

The President called the Senate to order at 7:20 p.m.

STANDING COMMITTEE CHANGES

The President announced the following changes in the Senate Standing Committees:

SENATOR ROHRBACH is appointed to the Senate Commerce Committee, replacing Senator Cunningham, resigned.

SENATOR GOLTZ is appointed as Chairman of the Senate Higher Education Committee, replacing the chairmanship held by Senator Odegaard.

SENATOR SANDISON, resigned from his membership on the Higher Education Committee. Position is vacant.

SENATOR MONOHON is appointed to the Senate Natural Resources Committee, replacing Senator Sandison, resigned.

SENATOR ROHRBACH is appointed to the Senate Natural Resources Committee, replacing Senator Wanamaker.

SENATOR ODEGAARD is appointed to the Senate Rules Committee, replacing Senator Sandison, resigned.

SENATOR MONOHON is appointed as Vice Chairman of the Senate Social and Health Services Committee, replacing Senator Goltz's position as Vice Chairman.

SENATOR MCDERMOTT resigned his position as a member of the Senate Social and Health Services Committee. Position is vacant.

SENATOR ROHRBACH is appointed to the Senate Social and Health Services Committee, replacing Senator Cunningham, resigned.

SENATOR WANAMAKER is appointed to the Senate State Government Committee, replacing Senator Cunningham, resigned.

SENATOR MCDERMOTT is appointed as Vice Chairman of the Senate Ways and Means Committee, replacing the Vice Chairmanship held by Senator Odegaard.

SENATOR SANDISON, resigned from his position as a member of the Senate Ways and Means Committee.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 3109, as amended by the Free Conference Committee, adopting the 1977-79 operating budget. Earlier today, the report of the Free Conference Committee was adopted.

POINT OF INQUIRY

Senator Grant: "Would Senator Donohue yield to a question? Senator Donohue, I note on page 58 that it talks about the appropriation of the superintendent of public instruction, and it also discusses the educational service districts and the amount of funding that will be available for those ESD's. Is there sufficient in this budget to provide a salary increase for educational service district employees that is comparable to the salary increases for state employees? Is that your understanding?"

Senator Donohue: "Senator Grant, that is correct, and there will be a letter of intent. We have already contacted the superintendent of public instruction. There will be a letter of intent to him from the conferees relative to this matter, and they will be treated just as other state employees."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3109, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Goltz, Henry, Herr, Jones, Keefe, Lewis, Mardesich, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Wojahn, Woody—36.

Voting nay: Senators Gaspard, Grant, Guess, Pullen, Rohrbach, von Reichbauer—6.

Absent or not voting: Senator Sandison—1.

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, Sellar—6.

SUBSTITUTE SENATE BILL NO. 3109, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3109.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of Engrossed House Bill No. 59.

THIRD READING

ENGROSSED HOUSE BILL NO. 59, by Representatives King, Burns, Bender, Fischer, Charnley, Pearsall, Douthwaite, Knowles, Lux, May, McKibbin, Moreau and Salatino:

Providing for collective bargaining at the state institutions of higher education.

The Senate resumed consideration of Engrossed House Bill No. 59, as amended by the Senate, on June 19, 1977. At that time, the bill was advanced to third reading and held for further consideration at a later time.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 59, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 59, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 16; absent or not voting, 3; excused, 6.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Francis, Gaspard, Goltz, Grant, Herr, Keefe, Marsh, McDermott, Monohon, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Guess, Henry, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Rohrbach, Wanamaker, Wilson—16.

Absent or not voting: Senators Mardesich, Scott, Woody—3.

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, Sellar—6.

ENGROSSED HOUSE BILL NO. 59, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MESSAGE TO THE SENATE

June 21, 1977.

We, the undersigned members of the Parks and Recreation Committee request that the "confirmation request" with respect to Mr. Don Hodges as a member of the Parks Commission be signed out of the committee.

Signed: Senator Carol Monohon
 Senator Gary Odegaard
 Senator George W. Scott

MOTION

On motion of Senator Walgren, the Senate resumed consideration of the House Message on Reengrossed Substitute Senate Bill No. 2034. On June 18, 1977, the Senate concurred in the House amendments.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 2034, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2034, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; nays, 16; absent or not voting, 2; excused, 6.

Voting yea: Senators Bausch, Beck, Bottiger, Day, Donohue, Francis, Gaspard, Goltz, Grant, Henry, Herr, Mardesich, Marsh, McDermott, Monohon, Odegaard, Peterson, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wojahn—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Guess, Jones, Keefe, Lewis, Matson, Morrison, Newschwander, North, Pullen, Rasmussen, Scott, Wanamaker, Wilson—16.

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

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, Sellar—6.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2034, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1203, by Committee on Education (originally sponsored by Representative McKibbin):

Authorizing expenditures to implement programs of proper educational practices.

The Senate resumed consideration of Substitute House Bill No. 1203, as amended by the Senate. Earlier today, the bill had been returned to second reading, amended and advanced to third reading and held for consideration later today.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Will Senator Marsh yield? Senator Marsh, don't you think it is an unfair advantage of us to dictate to the SPI that he put into a budget the

funding for a program that we really don't know how much it is going to cost? Don't you think it is sort of stupid, perhaps?"

Senator Marsh: "Senator Guess, first of all, I don't think it is stupid, and secondly, these are projects that have worked out very well in Vancouver and elsewhere. I am particularly enthusiastic about the HOST program that has helped one student to succeed. The HOST program is a remedial reading program, and frankly, it has helped a lot of students succeed in their academic careers that would not have otherwise succeeded. I think it is a worthwhile thing to ask the superintendent to be concerned about remedial programs and I think that it will make the other dollars we spend on education much better spent, and I really think we ought to approve this bill."

Senator Guess: "Senator Marsh, would you say that we would be better off to direct the SPI to teach the kids in the first place rather than having to have remedial programs?"

Senator Marsh: "It would be good if all students could keep up at the same pace, but unfortunately, there are some who come from less favorable backgrounds than others and they are the ones that need remedial reading programs, these other remedial programs, and I think it is better to try to address a problem if that is the only way you can get at it. This appears to be the only way we can get at the particular problem."

Senator Guess: "Senator Marsh, do you think that one billion, six hundred million dollars that has been given to the SPI, don't you think that ought to be enough money to conduct this type of a program without instructions for further funding?"

Senator Marsh: "Senator Guess, I would be very happy if that were enough money, but I am afraid it is not going to be enough to meet some of these tough problems, and I think it is worthwhile that we pass this law so that the superintendent can have these kinds of remedial education programs."

Further debate ensued.

POINT OF INQUIRY

Senator Donohue: "Would Senator McDermott yield? Senator, what is the relationship between this, these types of programs, as it relates to the hard work that you have done in the past six months on defining basic education so that we know that the people are going to be relieved of levies, that we know that we are defining specific situations within that basic education definition, and isn't it true that this is just an 'add-on' starting up a new add-on type of program that doesn't really fit with what we have been here six months trying to do?"

Senator McDermott: "Senator Donohue, the funding for this program, as I see it, may well come out of a program that now exists. I think one of the things that has to be done, in fact, the education committee in the interim is going to study the URRD program to see what the URRD program is actually doing, which programs in there ought to be continued, which programs ought to be removed, what is the effectiveness of that. I think it is very possible that out of existing money it is possible to find the necessary start-up costs for these kinds of programs. It is clear that no matter what kind of basic education we provide, there will always be some children who need some kind of compensatory thing, who just don't make it in a classroom of either one to twenty-five."

Senator Donohue: "Are these programs spelled out in the basic education definition?"

Senator McDermott: "No."

Senator Donohue: "So it is very possible that we will be asked next time to begin funding above the basic education definition the twenty to one and so forth, to provide special programs which many of us hope will be available within the basic

education definition and the funding. Isn't it possible that we are going to be asked for more money?"

Senator McDermott: "It is possible, but I just saw you put out a budget without any new taxes, and I think if we work hard, we can do it again in 1979."

Further debate ensued.

POINT OF INQUIRY

Senator Francis: "Will Senator Washington yield to a question? Senator Washington, do you know where this program called 'classroom intervention' is taking place at the present time?"

Senator Washington: "Which one is that? Frankly, I don't know and I don't remember, but I know it is well established, the school that it is in."

Senator Francis: "All right, now is it your understanding—there is an appropriation here of one million nine hundred thousand dollars for three programs."

Senator Washington: "The appropriation has been—"

Senator Francis: "The appropriation is gone, so all we have is that within the present school budget they have to take care of these programs, so we are only talking about keeping those—is this correct?—in the three schools they are now located in?"

Senator Washington: "No. No, they are going to be picked up and utilized, and the experience learned, the techniques learned are going to be utilized in other schools."

Senator Francis: "Senator Washington, where in the bill does it say you can do that? The way I read it, it says that we can go ahead with these three programs, period. It doesn't say we can expand into new schools or use programs like them or anything else. It says we can go ahead with these three programs. Is there any place in this bill that justifies your statement that we can expand them to other schools than they now exist in?"

Senator Washington: "I think that is the tenor, I think, of the whole bill. It has already been utilized. The classroom intervention, as I read a little further here, was developed in the Seattle school system, and certainly we are not going to go over the same ground. Other schools may want to utilize it. I think for this type of a program that it, that we aren't going to have any problems with it."

Senator Francis: "Thank you, Senator Washington."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1203, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1203, as amended by the Senate, and the bill failed to pass the Senate, on reconsideration, by the following vote: Yeas, 17; nays, 20; absent or not voting, 6; excused, 6.

Voting yea: Senators Bausch, Beck, Gaspard, Henry, Herr, Marsh, McDermott, Odegaard, Peterson, Ridder, Sandison, Scott, Talley, von Reichbauer, Walgren, Washington, Wojahn—17.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Donohue, Francis, Goltz, Guess, Jones, Keefe, Matson, Monohon, Morrison, Newschwander, North, Pullen, Rohrbach, Van Hollebeke, Wanamaker, Wilson—20.

Absent or not voting: Senators Bottiger, Grant, Lewis, Mardesich, Rasmussen, Woody—6.

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, Sellar—6.

SUBSTITUTE HOUSE BILL NO. 1203, as amended by the Senate, having failed to receive the constitutional majority on reconsideration, was declared lost.

MOTION

On motion of Senator Walgren, Substitute House Bill No. 1203, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Henry moved the Senate reconsider the vote by which Engrossed House Bill No. 59, as amended by the Senate, failed to pass the Senate earlier today.

Senator McDermott demanded a roll call. The demand was not sustained and Senator McDermott withdrew his motion.

The motion by Senator Henry carried.

Engrossed House Bill No. 59, as amended the Senate, was placed on third reading, on reconsideration.

MOTION

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

REPORT OF STANDING COMMITTEE

June 21, 1977.

SENATE BILL NO. 2714, an act relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on line 4, strike everything after the enacting clause and insert the following:

"Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 33, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.291 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and December 31, 1978, inclusive, six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The

amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax account A and a state timber tax (~~(account B)~~) reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax account A and state timber tax (~~(account B)~~) reserve account as follows:

YEAR OF COLLECTION	ACCOUNT A ((ACCOUNT B)) <u>RESERVE ACCOUNT</u>	
1973 through ((1978))1982	100%	0%
((1979)	75%	25%
1980	50%	50%
1981	25%	75%
1982))1983 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and September 30, 1974 inclusive. The revenues from such surtax shall be deposited in (~~(a separate account designated)~~) the state timber tax reserve account(~~(, which is hereby created in the state general fund and any interest earned~~

on the investment of these cash balances shall be deposited in this account)). Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve account pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such account to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

Sec. 2. Section 6, chapter 294, Laws of 1971 ex. sess. as amended by section 91, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.060 are each amended to read as follows:

In each year commencing with 1972 and ending with ((1980)) 1981, solely for the purpose of determining, calculating and fixing, pursuant to chapter 84.52 RCW, the dollar rates for all regular and excess levies for the state and each timber county and taxing district lying wholly or partially in such county within which there was timber on January 1 of such year, the assessor of such timber county shall, for each such district, add to the amount of the "assessed valuation of the property" of all property other than timber the product of:

(a) The portion indicated below for each year of the value of timber therein as shown on the timber roll prepared in accordance with RCW 84.33.050 for such year; and

(b) The assessment ratio applied generally by such assessor in computing the assessed value of other property in his county:

YEAR	PORTION OF TIMBER ROLL
1972 through 1977	100%
1978	((75%))80%
1979	((50%))60%
1980	((25%))40%
1981 ((and thereafter	None))20%
1982 and thereafter	None

Sec. 3. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with ((1980)) 1981, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

- (a) The value of timber as shown on the timber roll for such year;
- (b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;
- (c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978	((75%)) 80%
1979	((50%)) 60%
1980	((25%)) 40%
1981	20%

On or before December 31 of each year commencing with 1972 and ending with ~~((1980))~~ 1981, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the twentieth day of the second month of each calendar quarter, commencing February 20, 1974 and ending November 20, ~~((1981))~~ 1982, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion and pay into the state general fund for the support of the common schools the state's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax account A collected upon timber harvested in the preceding calendar quarter, but in no event shall any such quarterly payment to a taxing district, when added to such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax account A, if any, ~~((after the distribution to taxing districts on November 20, 1974 and))~~ on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, ~~((1981))~~ 1982 shall be transferred to the state timber tax reserve account.

(3) If the balance in state timber tax account A immediately prior to such twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber tax reserve account to state timber tax account A.

(4) If, after the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in August of any year commencing with 1974, the balance in the state timber reserve account exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve account, for activities undertaken by the department of revenue forest ~~((valuation section))~~ tax division and for the activities undertaken by the department of natural resources relating to classification of lands

as required by this chapter (~~(-PROVIDED, That within the 1973-75 biennium, the state treasurer shall transfer from the state timber reserve account to the state general fund an amount equal to actual expenditures of the department of revenue related to the activities of the forest valuation section no later than August 31, 1974 and August 31, 1975, for the fiscal year just completed. If the amount of such excess is more than is necessary for reimbursement for such purposes, the remaining amount of the excess shall be distributed to the taxing districts which distribution shall be made in the following manner:)). If following the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in November of 1977 and each year thereafter, the balance in the state timber tax reserve account exceeds two million dollars, the department of revenue shall determine on or before December 31 of such year, an amount to be distributed to the taxing districts the following calendar year, which distribution shall be determined in the following manner: PROVIDED, That the amount of such excess reserve account distribution shall be limited to that amount which, when added to the total account A distribution for the same calendar year, will allow a percentage increase or decrease in total calendar year distributions equal to the percentage increase or decrease in excise tax collections between the preceding calendar year and the current calendar year:~~

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available;

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve account, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber tax reserve account such additional one-fourth amount due the state.

~~((The balance, if any, in the state timber reserve account after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax account B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section:))~~

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

~~((6) On the twentieth day of the second month of each calendar quarter commencing February 20, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion~~

(determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax account B collected upon timber harvested in the preceding calendar quarter:))

NEW SECTION. Sec. 4. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 1 of the title, after "taxation;" delete the remainder of the title and insert "reenacting and amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 33, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.291; amending section 6, chapter 294, Laws of 1971 ex. sess. as amended by section 91, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Grant, Marsh, Matson, Ridder, Walgren, Washington.

MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2714 was advanced to second reading and read the second time in full.

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

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

On motion of Senator Odegaard, the rules were suspended, Engrossed Senate Bill No. 2714 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2714 and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 5; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Rohrbach, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—38.

Absent or not voting: Senators Bottiger, Grant, Mardesich, Scott, Woody—5.

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, Sellar—6.

ENGROSSED SENATE BILL NO. 2714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF STANDING COMMITTEE

June 21, 1977.

SECOND SUBSTITUTE SENATE BILL NO. 2232, providing for educational clinics and authorizing state aid for students enrolled therein (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass without House amendments.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Jones, Mardesich, Matson, Morrison, Newschwander, Scott, Walgren.

MOTIONS

SUBSTITUTE SENATE BILL NO. 2232, as amended by the House, had been referred to the Senate Committee on Ways and Means on June 19, 1977.

On motion of Senator Donohue, the rules were suspended, Second Substitute Senate Bill No. 2232 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Walgren, Second Substitute Senate Bill No. 2232 was ordered held on the second reading calendar for consideration following the evening recess.

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

On motion of Senator Walgren, Senate Resolution 1977-113, study regarding effects of change as proposed in House Bill 32, was referred to the Committee on Rules.

MOTION

At 8:30 p.m., on motion of Senator Walgren, the Senate recessed until 9:30 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 9:30 p.m.

MOTION

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

MESSAGES FROM THE HOUSE

June 21, 1977.

Mr. President: The House has indefinitely postponed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2703.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has passed:
ENGROSSED SENATE BILL NO. 2242,
ENGROSSED SENATE BILL NO. 2272,
ENGROSSED SENATE BILL NO. 2277, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has passed: SENATE BILL NO. 2714, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1009, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 727, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 255, and has passed the bill as amended.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 604, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 123, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 3109, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 2522,
SUBSTITUTE SENATE BILL NO. 2537, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 3, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

STATEMENT FOR THE JOURNAL

June 21, 1977.

I would like to go on record as vigorously opposing HB 1009, a measure which extends the "temporary" sales tax and B & O tax increases enacted last year. I had been assured that the Senate would not vote on this measure until after 7:00 p.m. When I promptly returned at that hour, I was surprised and disappointed to learn that the Senate had already voted on the bill in my absence.

Signed:

Senator Kent Pullen

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 2235 with the following amendment:

On page 1, line 13, strike "ten million seven hundred fifty thousand" and insert "twenty million", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate concurred in the House amendment to Substitute Senate Bill No. 2235.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2235, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 1; absent or not voting, 5; excused, 6.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Rohrbach, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—37.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Grant, Mardesich, Morrison, Peterson, Woody—5.

Excused: Senators Buffington, Fleming, Gould, Hayner, Murray, Sellar—6.

SUBSTITUTE SENATE BILL NO. 2235, as amended by the House, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 2274 with the following amendment:

On page 1, line 14, strike "eighteen million" and insert "nine million five hundred thousand", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate concurred in the House amendment to Substitute Senate Bill No. 2274.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 1; absent or not voting, 7; excused, 7.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Herr, Jones, Keefe, Marsh, Matson, McDermott, Monohon, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Rohrbach, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Wojahn—34.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Grant, Henry, Lewis, Morrison, Peterson, Sandison, Woody—7.

Excused: Senators Buffington, Fleming, Gould, Hayner, Mardesich, Murray, Sellar—7.

SUBSTITUTE SENATE BILL NO. 2274, as amended by the House, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2714.

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The House does not concur in the Senate amendments to HOUSE BILL NO. 623, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Henry moved the Senate recede from its amendments to House Bill No. 623.

Debate ensued.

Senator Bottiger moved further consideration of the motion by Senator Henry be held temporarily.

MOTION

Senator Grant moved the Committee on Rules be relieved from consideration of Engrossed House Bill No. 541.

Debate ensued.

POINT OF ORDER

Senator Walgren: "Point of order, Mr. President. The motion by Senator Grant was to relieve the rules committee of the bill rather than to have a debate on the merits or demerits of the bill."

RULING BY THE PRESIDENT

President Cherberg: "Senator Walgren's point of order is well taken. Senator Ridder, would you please confine your remarks to the motion."

POINT OF ORDER

Senator Francis: "Point of order, Mr. President. I don't understand your ruling. If we are to determine whether or not to relieve the rules committee of a bill, how can we make that decision without understanding the merits of the bill, and the pros and cons of the merits of that bill?"

REMARKS BY SENATOR WALGREN

Senator Walgren: "I suspect that the answer is, Senator Francis, that this is a bill that has been of considerable concern to all of us, certainly on the Democratic side. We have talked about it in caucus, and I suspect that you are pretty well aware of the merits or demerits of this measure. I suspect that you have read it and understand it."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Senator Walgren, Mr. President, if I may, we are now talking about the rules of the Senate under which we operate, not about our assumptions about who knows what about the bill, and I think that the rules of the Senate provide that the Senators themselves can find out for themselves what the merits or

demerits of any bill are, and that that is very much to the point in determining whether or not to relieve the rules committee of that bill. I think it would be a very bad precedent for us to cut off Senator Ridder in her discussion of her reasons why we should relieve the rules committee of that bill."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Speaking in response to Senator Francis, I think it is quite proper in order that the body know what is before it, that there be a brief explanation of the bill. That is all, however, that is necessary in order to consider the question which is the main question of whether or not it should be taken from the rules committee. Certainly, there is a big difference between that and an actual full debate of the merits and demerits of the bill, and that, in substance, is what is being attempted on the floor."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate, this is an unusual move, and ordinarily I do not support procedural moves of this kind, but I would only point out that these increases in permanent partial disability payments have not been increased since 1971. There is no increase in this list which is as great as some of the increases which have incurred in the—"

POINT OF ORDER

Senator Clarke: "Mr. President, point of order. I think until the President has ruled on the point, Senator Goltz should refrain from, in effect, continuing the very subject which is the matter the President is ruling on. I think that we should at least give the President the courtesy of waiting until he has made his determination and ruling before we start violating it."

POINT OF ORDER

Senator Day: "Point of order. Speaking to the point of order if I might. I think what has happened here is that we have developed over the years a rules committee that has become some kind of a sacrosanct committee that schedules bills that that particular group of people want to hear, and proceeds to kill bills whether it is against the will of the majority of this body at their leisure, and I certainly think that when the motion is made to take a bill away from the rules committee, that it is no different from any other committee, and then that that bill could certainly be discussed and the merits or demerits of the bill discussed, relative to the motion to relieve any committee of a bill, and so therefore I can't see that this particular motion does not carry with it the capability of discussing the subject of the motion any more because it is the rules committee than any other committee."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Thank you, Mr. President. I was only going to point out that we have not increased these partial disability payments since 1971. In the main these increases are less, substantially less, than the increases we have given to the public elected officials, and the legislators and others, this year. It seems to me that the powerful and the mighty have been taken care of, but the permanently, partially disabled workers have been forgotten, and I think we have got time tonight to correct that wrong."

POINT OF INQUIRY

Senator Bottiger: "Mr. President, in order for all of us to understand what we are debating, could I ask Senator Ridder to yield to a question? Senator Ridder, the question, I think, before us is whether this bill would provide a kind of a cost of living increase like we have given everybody else, including ourselves, and could you tell me what would the present law as opposed to the proposed law, for the loss of an arm be?"

Senator Ridder: "That is on page two of the bill. It starts, 'loss . . . of arm, at or above the deltoid insertion or by disarticulation at the shoulder.' The present award is eighteen thousand dollars. The proposal is for twenty-seven thousand dollars. According to the information that we have had, the consumer price index is up approximately fifty-two to fifty-three percent since 1971."

Senator Bottiger: "Senator Ridder, in order that we further understand the impact of the bill, could you tell me what the loss of a leg would be under the present law and the proposed law."

POINT OF ORDER

Senator Walgren: "Point of order, Mr. President. I believe, Mr. President, that you have previously ruled that the proper debate here is one with regard to the motion of Senator Grant to relieve the rules committee rather than a full and complete explanation as to what this particular bill may or may not do."

RULING BY THE PRESIDENT

President Cherberg: "Yes, and the President was going to refer the members of the Senate to Reed's Rules, to the table following page 194, 'to commit' or Senate rules, 'recommit', such a motion is debatable but does not open to discussion the main question unless coupled with instructions."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Would the President please elaborate on what that last sentence meant, and especially, 'does not open to debate the main question'. It seems to me that if that means that we cannot discuss the main question insofar as it may bear upon our reasons for relieving the rules committee, it would be internally inconsistent."

RULING BY THE PRESIDENT

President Cherberg: "The President believes that Senator Clarke's remarks were well taken, and a brief explanation of the bill would be in order."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, the thing that concerns me here, speaking especially to the majority, my own caucus, we have a set of rules. We have a committee structure, and we have a lot of committee chairmen here on the floor. Senator Goltz, you are a new chairman of the higher education committee. Senator Day is chairman of social and health services, and there are certain bills in any of our committees that we might like to have out, but the committee had reason to not bring them out, or the rules committee had reason not to bring them out of rules. Now, I might be for the bill, but I am not going to vote for the bill with this kind of procedure. We are circumventing our own rules that we have established. I think we will regret this kind of action in the future. We are setting a precedent, and I would like to look at the merits of the bill if it were out here, if it has come out of rules in

a normal procedure, and I don't know at this time whether I would vote for it or against it. I don't know that much about it, but I know I would vote against it with this kind of procedure, and I think you committee chairmen should keep that in mind. You are going to rue the day when there is a motion made to pull a bill out of your committee where there has been action already taken, or a discussion, or whatever."

PERSONAL PRIVILEGE

Senator Ridder: "Mr. Chairman, point of personal privilege. As chairman of the labor committee, I think I should answer what Senator Odegaard has said. This bill did, indeed, go through all the normal procedures of the labor committee, and is in rules, and did not get enough votes to come out. Am I to assume that you would have the same reticence to vote on any of the bills which we have had before us in the last two days which have circumvented the rules committee, have not gone to rules, have been signed out by circulated statements, circulated bills? As a chairman, I would like to know if that is something I should endorse or not."

REMARKS BY THE PRESIDENT

President Cherberg: "Senator, a point of personal privilege must pertain to you as an individual."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. Chairman, as the president of the energy and utilities committee, Senator Newschwander had a bill. Senator Rasmussen had a bill in my committee which I vehemently opposed, but I scheduled a hearing. I allowed the bill out of committee. It is in rules, and the question now, I think, is whether rules committee is all dominant. Right now we have a bill on this floor, in this Senate, that would pass if it were permitted to come out of the rules committee, and as I understand it, that is the issue. Is the rules committee the siphon, the funnel by which we kill all legislation that otherwise should not pass, or do we let it out here and vote it up or down? Right now we have a bill that I think the majority of the Senators, I would hope, would like to vote 'yes' on this bill. Does the rules committee kill those bills?"

REMARKS BY SENATOR CLARKE

Senator Clarke: "I would like to make this one observation, then I clearly support the remarks of Senator Odegaard. There is a very distinct difference between bills that have come out of the committee and the body itself elects not to send to rules. If a bill, for instance, that came out and had not been referred, the bill had come from the House and had not been referred to a committee, but the body itself, in effect, catches it on the fly, that is a very different thing but once a bill has been referred to committee, then the body has signified by its acquiescence that it is the will of the body that that particular bill go to that committee and follow the regular procedures. I can't recall a situation where the Senate has withdrawn a bill from any committee, a bill which has been referred to the committee, and then has been withdrawn over the objections of the chairman of that committee. This is exactly, in substance, what is attempting to be done with respect to the rules committee. The rules committee is no different from any other committee. It has certain functions, but once a bill has been referred to rules, I think it is completely inappropriate for the body then to, in effect, usurp the functions of the rules committee any more than it would be to usurp the functions of any other committee to which a bill has been

referred, and which is taken away from that committee by the body over the objections of that committee and its chairman."

Senator Walgren moved the motion by Senator Grant that the Committee on Rules be relieved from further consideration of Engrossed House Bill No. 541 be laid upon the table.

Senator Grant demanded a roll call and the demand was sustained by Senators Talley, Van Hollebeke, Washington, Henry, Walgren, Francis, Morrison, Bausch and Sellar.

The President declared the question before the Senate to be the motion by Senator Walgren that the motion by Senator Grant that the Committee on Rules be relieved from further consideration of Engrossed House Bill No. 541 be laid upon the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Walgren carried by the following vote: Yeas, 27; nays, 14; absent or not voting, 2; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Day, Donohue, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Rohrbach, Scott, Sellar, Talley, Walgren, Wanamaker—27.

Voting nay: Senators Bausch, Bottiger, Francis, Gaspard, Goltz, Grant, McDermott, Monohon, Ridder, Van Hollebeke, von Reichbauer, Washington, Wilson, Wojahn—14.

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

Excused: Senators Buffington, Fleming, Gould, Hayner, Mardesich, Murray—6.

The motion by Senator Grant was laid upon the table.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of the House Message on House Bill No. 623.

Earlier today, Senator Henry moved the Senate recede from its amendments to House Bill No. 623.

The motion by Senator Henry carried and the Senate receded from its amendments to House Bill No. 623.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 623, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 623, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 31; nays, 10; absent or not voting, 2; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Day, Donohue, Gaspard, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Rohrbach, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker—31.

Voting nay: Senators Bausch, Bottiger, Francis, Goltz, Grant, Ridder, Van Hollebeke, Washington, Wilson, Wojahn—10.

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

Excused: Senators Buffington, Fleming, Gould, Hayner, Mardesich, Murray—6.

HOUSE BILL NO. 623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 2034.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 2232, by Committee on Ways and Means (originally sponsored by Senators Mardesich, von Reichbauer, Grant, Murray, Herr, Matson, Day, Odegaard, Fleming and Hayner);

Providing for educational clinics and authorizing state aid for students enrolled therein.

The Senate resumed consideration of Second Substitute Senate Bill No. 2232. On June 19, 1977, the bill, together with the House amendments, was referred to the Committee on Ways and Means. Earlier today, the report by the Committee on Ways and Means was read with the report of that committee that the House amendments not be adopted.

MOTION

On motion of Senator Donohue, the Senate refused to concur in the House amendments to Second Substitute Senate Bill No. 2232 and asks the House to recede therefrom.

MOTION

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

MESSAGES FROM THE HOUSE

June 21, 1977.
Mr. President: The House has passed: SENATE BILL NO. 2839, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.
Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 255, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.
Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 2034, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.
Mr. President: The Speaker has signed: HOUSE BILL NO. 727, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.
Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 1009, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: SENATE BILL NO. 2714, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

At 10:30 p.m., on motion of Senator Walgren, the Senate recessed until 11:55 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 11:55 p.m.

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 21, 1977.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I have the honor to advise that on June 21, 1977, Governor Ray approved the following Senate bills entitled:

SUBSTITUTE SENATE BILL NO. 2143: Increasing the number of superior court judges in Spokane, Pierce, Kitsap, Benton-Franklin, Cowlitz, and San Juan-Island judicial districts.

SUBSTITUTE SENATE BILL NO. 2268: Permitting OPP&FM to establish per diem rates

SENATE BILL NO. 2282: Simplifying reporting requirements for campaign treasurers

SUBSTITUTE SENATE BILL NO. 2608: Revising laws relating to privacy of information about crimes and criminals.

Sincerely,

JOE ZASPEL

Legislative Assistant.

MESSAGES FROM THE HOUSE

June 21, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 3, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has receded from its amendments to SECOND SUBSTITUTE SENATE BILL NO. 2232, and has passed the bill without the House amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 3, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2235,
 SUBSTITUTE SENATE BILL NO. 2274,
 SENATE BILL NO. 2277,
 SENATE CONCURRENT RESOLUTION NO. 123.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2242,
 SENATE BILL NO. 2272,
 SENATE BILL NO. 2839.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 3,
 SUBSTITUTE HOUSE BILL NO. 255,
 HOUSE BILL NO. 727,
 SUBSTITUTE HOUSE BILL NO. 1009.

MOTION

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

REPORT OF STANDING COMMITTEE

June 21, 1977.

SUBSTITUTE HOUSE BILL NO. 777, authorizing the construction of a cultural arts center in Federal Way (reported by Committee on Ways and Means):
 MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Grant, Mardesich, Marsh, Matson, Morrison, Newschwander, Ridder, Scott, Walgren.

MOTION

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 777 was advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE HOUSE

June 21, 1977

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3110, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

June 21, 1977.

Mr. Speaker:
 Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3110, as amended by the House, adopting the 1977-79 capital budget, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to adopt the following bill:

"AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; prescribing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. A capital budget is hereby adopted and subject to the provisions hereinafter set forth the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1979, out of the several funds hereinafter named.

NEW SECTION. Sec. 2. Any capital improvements or capital project involving construction or major expansion of a state office facility, to include district headquarters, detachment offices, and off-campus faculty offices shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while insuring proper service to the public.

NEW SECTION. Sec. 3. As used in this act the following phrases shall have the following meanings:

- (1) 'GF, Cap Bldg Constr Acct' means General Fund—Capitol Building Construction Account;
- (2) 'GF, State Bldg Constr Acct' means General Fund—State Building Construction Account;
- (3) 'GF, Fish Cap Proj Acct' means General Fund—Fisheries Capital Projects Account;
- (4) 'General Fund—ORA' means General Fund—Outdoor Recreation Account;
- (5) 'Sal Enhmt Constr Acct' means Salmon Enhancement Construction Account;
- (6) 'GF, For Dev Acct' means General Fund—Forest Development Account;
- (7) 'GF, Res Mgmt Acct' means General Fund—Resource Management Account;
- (8) 'GF, Res Mgmt Cost Acct' means General Fund—Resource Management Cost Account;
- (9) 'GF, LIRA, DSHS Fac' means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- (10) 'DSHS Constr Acct' means State Social and Health Services Construction Account;
- (11) 'CEP & RI Acct' means Charitable, Educational, Penal and Reformatory Institutions Account;
- (12) 'MV Fund—State' means Motor Vehicle Fund—State;
- (13) 'GF, Fire Trng Constr Acct' means General Fund—Fire Training Construction Account;
- (14) 'WSU Bldg Acct' means Washington State University Building Account;
- (15) 'St H Ed Constr Acct' means State Higher Education Construction Account;
- (16) 'Off/Lab Constr Acct' means Office/Laboratory Construction Account;
- (17) 'Com Sch Constr Fund' means Common School Construction Fund;

(18) 'EWSC Cap Proj Acct' means Eastern Washington State College Capital Projects Account;

(19) 'TESC Cap Proj Acct' means The Evergreen State College Capital Projects Account;

(20) 'Com Col Cap Impvmt Acct' means Community College Capital Improvement Account;

(21) 'Com Col Cap Proj Acct' means Community College Capital Projects Account;

(22) 'Com Col Cap Constr Acct' means 1975 Community College Capital Construction Account;

(23) 'CWSC Cap Proj Acct' means Central Washington State College Capital Projects Account;

(24) 'UW Bldg Acct' means University of Washington Building Account;

(25) 'St Bldg Auth Constr Acct' means State Building Authority Construction Account;

(26) 'WWSC Cap Proj Acct' means Western Washington State College Capital Projects Account;

(27) 'WSU Constr Acct' means Washington State University Construction Account;

(28) 'GF, PNW Fes Fac Constr Acct' means General Fund—Pacific Northwest Festival Facilities Construction Account; and

(29) The words 'capital improvements' or 'capital projects' used herein shall mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Estimated Total Cost of Projects \$53,947,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
GF, Cap Bldg Constr Acct	2,097,000	3,395,000	5,492,000
GF, State Bldg Constr Acct	5,179,000	0	5,179,000
General Fund—ORA	0	2,708,000	2,708,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	0	959,000	959,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4 (1) and/or (2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	0	3,500,000	
Total Funds	7,276,000	10,562,000	17,838,000

(1) Complete construction of Office Building No. 2, remodeling of Insurance Building, and structural renovation of Legislative Building.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		1,300,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
21,550,000	0	22,850,000	6/30/79

(2) Complete Insurance Building renovation.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		554,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,086,000	0	2,640,000	6/30/79

(3) Remodel campus buildings to ensure that all areas of the campus are accessible to the physically handicapped.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
105,000	0	305,000	6/30/79

(4) Modify computer area to include uninterruptible power source system, security system, air conditioning, and raised flooring for wiring raceways.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		50,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
989,000	0	1,039,000	9/1/77

(5) Extend steam lines to Employment Security Building.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		25,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
65,000	0	100,000	9/1/77

(6) Replace heating and cooling coils and rearrange dampers in the Highway Licenses Building, Employment Security Building, and Archives Building.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
88,000	0	288,000	11/1/77

(7) Replace existing deficient oil delivery and storage facility.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		225,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
32,000	0	257,000	12/31/77

(8) Complete landscaping of Office Building No. 2.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		50,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
218,000	0	268,000	8/1/77

(9) Renovate Old Capitol Building to conform to health and safety requirements of the Occupational Safety and Health Act, building and fire codes, and provide access to the handicapped and aged.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		3,558,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
22,000	0	3,580,000	11/1/79

(10) Remodel and maintain Capitol Campus buildings and grounds.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		160,000	1,240,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,052,000	0	2,402,000	1/1/78

(11) Maintain Deschutes Basin, dam, and area landscaping.

		REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct		10,000	25,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
24,000	70,000	129,000	1/1/78

(12) Rehabilitate Capitol Lake by dredging lake bottom, disposing of sediment, and constructing settling basin and waterway improvements. The appropriations and reappropriations contained in this subsection shall be expended exclusively to rehabilitate Capitol Lake and shall be subject to the following conditions and limitations:

(a) No dredging, waterway improvement, sediment collection or disposal, or any other rehabilitation work or improvements shall be done on any portion of the lake south of the interstate highway bridge except to the extent such work is necessary to prevent substantial change in the present condition of such portion of the lake;

(b) The lake bottom shall be dredged and the sediment properly disposed of;

(c) A settling basin and waterway improvements shall be constructed;

(d) The department may acquire property which is contiguous to Percival Cove to be used for additional recreational and parking purposes;

(e) The department, in cooperation with the department of ecology, shall identify the extent and sources of pollution in the lake;

(f) The department shall consider all possible alternatives for the acquisition and operation of any equipment necessary for the purposes of this section and shall use the most cost effective of such alternatives.

	REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct	105,000	0
General Fund—ORA	0	958,000
General Fund—Outdoor Recreation		
Account appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	0	959,000
Total Funds	105,000	1,917,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
320,000	823,000	3,165,000	6/30/83

(13) Extend Office Building No. 2 central control and monitoring system to other campus buildings.

	REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct	513,000	392,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
50,000	0	955,000	1/31/79

(14) Design and construct campus street revisions and improvements for increased safety and upgraded circulation, and landscaping.

	REAPPROPRIATION	APPROPRIATION
GF, Cap Bldg Constr Acct	0	575,000

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	5,250,000	6/79

NEW SECTION. Sec. 5. FOR THE MILITARY DEPARTMENT

Estimated Total Cost of Projects \$2,017,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund	679,000	0	679,000
GF, State Bldg Constr Acct	0	1,107,000	1,107,000
Total Funds	679,000	1,107,000	1,786,000

(1) Construct new 150-man armory to replace existing armory at Aberdeen.

REAPPROPRIATION APPROPRIATION

General Fund—State		285,000	0
GF, State Bldg Constr Acct		0	33,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
12,000	0	330,000	9/30/78

(2) Construct new 100-man armory to replace existing leased facility at Ephrata.

REAPPROPRIATION APPROPRIATION

General Fund—State		220,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	225,000	6/30/78

(3) Provide preconstruction moneys for architectural and engineering work on future projects.

REAPPROPRIATION APPROPRIATION

General Fund—State		39,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	110,000	149,000	12/31/77

(4) Provide schematic planning funds for future projects at Tacoma, Vancouver, Walla Walla, and Yakima.

REAPPROPRIATION APPROPRIATION

General Fund—State		20,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	32,000	52,000	12/31/77

(5) Acquire land and construct a new 400-man armory at Vancouver.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		50,000	0
GF, State Bldg Constr Acct		0	513,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	563,000	6/30/79

(6) Provide for minor construction and site improvements to include asphalt paving, fencing, storage buildings, lighting, and retaining walls.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		65,000	0
GF, State Bldg Constr Acct		0	36,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	72,000	173,000	6/30/83

(7) Construct and equip 600-man armory at Camp Murray to replace obsolete facility in Tacoma.

		REAPPROPRIATION	APPROPRIATION
GF, State Bldg Constr Acct		0	525,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	525,000	4/30/79

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND

HEALTH SERVICES

Estimated Total Cost of Projects \$126,659,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	1,501,000	0	1,501,000
DSHS Constr Acct	26,289,000	17,910,000	44,199,000
CEP & RI Acct	169,000	672,000	841,000
GF, LIRA, DSHS Fac	18,445,000	0	18,445,000
Total Funds	46,404,000	18,582,000	64,986,000

The department shall provide a capital proposal to the 1978 legislative session which will provide the necessary security in the maintenance of the sexual psychopath program.

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADULT CORRECTION PROGRAM

Estimated Total Cost of Projects \$55,000,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	566,000	0	566,000
DSHS Constr Acct	10,000,000	11,044,000	21,044,000
CEP & RI Acct	95,000	522,000	617,000
Total Funds	10,661,000	11,566,000	22,227,000

(1) To provide fire and safety improvements, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		136,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
15,000	0	151,000	2/78

(2) For remodeling of dental areas, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	145,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	145,000	10/78

(3) To provide preliminary design, working drawings, and construction for food service and kitchen area, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,993,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,993,000	10/79

(4) To convert former women's quarters to 50-bed minimum custody unit, Washington State Penitentiary.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	300,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	300,000	1/78

(5) To modify laundry facilities, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		60,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
70,000	0	130,000	6/79

(6) To modernize inmate residence living area, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		341,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
137,000	0	478,000	6/79

(7) To construct and equip maximum security facility, Washington State Reformatory, to be completed and in operation by August 15, 1979.

		REAPPROPRIATION	APPROPRIATION
DSH Constr Acct		10,000,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	0	10,300,000	6/79

(8) To provide fire and safety improvements, Washington State Reformatory.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	377,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	377,000	12/78

(9) To renovate and repair roofs, Washington Corrections Center.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	626,000
CEP & RI Acct		35,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
115,000	0	776,000	12/78

(10) To construct and equip work release housing unit, Indian Ridge Treatment Center.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		89,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
66,000	0	155,000	3/78

(11) To open and renovate work training release facility, Geiger Field.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	620,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	620,000	1/78

(12) To construct and equip two 100-bed honor camps.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	5,108,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	5,108,000	6/79

(13) To provide planning, design, and site selection funds for two maximum security facilities, one to have an intake/diagnostic unit. As a condition of this appropriation and the reappropriation provided in subsection (7) of this section, the department shall submit to the appropriate committees of the legislature no later than July 1, 1978, a plan which shall include: (a) Proposals to reduce the population at the penitentiary and reformatory to provide for single occupancy of the cells in the two institutions; (b) proposals to reduce the level of security affecting both personnel and physical plan to be commensurate with the reduction in inmate population; and (c) a classification system which reflects all current and pending physical plant changes throughout the adult corrections system.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,487,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	32,070,000	33,557,000	6/81

(14) To improve security of the mentally ill offenders facility at Eastern State Hospital.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		0	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	100,000	9/77

(15) To renovate existing facilities at Eastern State Hospital for moderate secure treatment and a work/training residence.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		0	810,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	810,000	1/78

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE JUVENILE REHABILITATION PROGRAM

Estimated Total Cost of Projects \$1,628,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	15,000	0	15,000
CEP & RI Acct	0	60,000	60,000
DSHS Constr Acct	1,366,000	40,000	1,406,000
Total Funds	1,381,000	3,595,000	4,976,000

(1) To provide fire and safety improvements, Green Hill School.

	REAPPROPRIATION		APPROPRIATION
General Fund—State		15,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
55,000	0	70,000	11/77

(2) To construct and equip four living units, Naselle Youth Camp.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		1,366,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
92,000	0	1,458,000	1/78

(3) For preliminary design and working drawings to replace boiler and remodel steam plant, Maple Lane School.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		0	40,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	40,000	9/79

(4) For preliminary design and working drawings to remodel dormitories at Mission Creek Youth Camp.

	REAPPROPRIATION		APPROPRIATION
CEP & RI Acct		0	15,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	15,000	12/78

(5) To expand and upgrade water system, Mission Creek Youth Camp.

	REAPPROPRIATION		APPROPRIATION
CEP & RI Acct		0	45,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	45,000	6/78

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE MENTAL HEALTH PROGRAM

Estimated Total Cost of Projects \$13,856,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
DSHS Constr Acct	1,374,000	1,924,000	3,298,000
Total Funds	1,374,000	1,924,000	3,298,000

(1) To provide matching funds for construction and equipment of mental health wing, Children's Orthopedic Hospital.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		374,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
427,000	0	801,000	6/79

(2) Not later than January 1, 1978, the department shall provide the legislature with a revised project plan including reduced cost alternatives for constructing and

equipping the new 32-bed residential facility at the child study and treatment center at Western State Hospital. No construction shall begin prior to approval of the revised project plan by the Senate Ways and Means Committee and the House Appropriations Committee.

(3) To provide design funds for 350-bed psychiatric hospital, Western State Hospital: PROVIDED, That such facility be designed to handle mentally ill offenders.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		700,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	6,285,000	6,985,000	6/80

(4) To renovate for accreditation, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	1,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,500,000	6/79

(5) Preliminary design and working drawings to renovate utilities and roofs, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	20,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	553,000	8/78

(6) To construct fuel storage and conveyor system, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	354,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	354,000	2/79

(7) Preliminary design and working drawings to construct elevated water tower, Western State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	50,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	668,000	3/79

(8) Preliminary and design drawings for 150-bed psychiatric hospital, Eastern State Hospital.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		300,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	300,000	6/79

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE DEVELOPMENTAL DISABILITIES PROGRAM

Estimated Total Cost of Projects \$22,278,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	920,000	0	920,000
DSHS Constr Acct	11,787,000	1,669,000	13,456,000
CEP & RI Acct	74,000	90,000	164,000
Total Funds	12,781,000	1,759,000	14,540,000

(1) To replace boilers, Phase II, Fircrest School.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		292,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
75,775	0	368,000	1/79

(2) To repair and upgrade utilities, working drawings for repair of water, electrical and steam systems, Fircrest School.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		133,000	1,309,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
33,000	0	1,475,000	1/79

(3) For working drawings to enclose courtyards, Fircrest School.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	10,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	91,000	5/78

(4) To renovate and construct, including upgrade of utilities and completion of Phase I, Rainier School.

REAPPROPRIATION APPROPRIATION

General Fund—State		405,000	0
DSHS Constr Acct		2,650,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
136,000	7,218,000	10,409,000	6/81

(5) To renovate, construct, equip, to include completion of Phase I, Lakeland Village.

REAPPROPRIATION APPROPRIATION

DSHS Constr Acct		4,612,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
158,000	0	4,770,000	9/78

(6) Not later than January 1, 1978, the department shall provide the legislature with revised plans for Phase II Lakeland Village. Such plans shall continue to include provisions for privacy for residents, but shall demonstrate more efficient and less costly building design and land use than the presently planned facilities and building configurations.

Such plan shall include but not be limited to:

- (a) Description and drawings of alternative facility plans.
- (b) Report of relationship of alternatives to required staffing.
- (c) Report of relationship of alternatives to effective energy conservation and efficient design.
- (d) Plans for consolidation or elimination of duplicative spaces.

No construction shall begin prior to approval of the revised plans by the Senate Ways and Means Committee and the House Appropriations Committee.

(7) To install new elevator for safety evaluation and traffic load, Yakima Valley School.

REAPPROPRIATION APPROPRIATION

General Fund—State		125,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,000	0	135,000	9/77

(8) To provide fire alarms, School For The Blind.

REAPPROPRIATION APPROPRIATION

General Fund—State		50,000	0
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	11/77

(9) To renovate kitchen, primary area, and Administration Building, School For The Blind.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		280,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
40,000	0	320,000	11/77

(10) To renovate and repair facilities and utility system, School For The Blind.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		0	360,000
CEP & RI Acct		0	40,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	400,000	7/78

(11) To provide fire and safety improvements, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		42,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	47,000	11/77

(12) To provide secondary source of power, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		44,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	44,000	11/77

(13) To remodel former superintendent's residence, School For The Deaf, to provide a recreation center for senior high students.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		30,000	0
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	0	30,000	10/77

(14) To demolish Watson Hall, School For The Deaf.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		18,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
26,000	0	44,000	10/77

(15) To provide for contractual design and construction costs for three state residential training centers and for purchase of community sites that meet neighborhood approval.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		4,100,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
122,000	0	4,222,000	9/78

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR THE ADMINISTRATIVE SERVICES AND SUPPORT SERVICES PROGRAM

Estimated Total Cost of Projects \$33,897,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
DSHS Constr Acct	1,762,000	3,233,000	4,995,000
GF, LIRA, DSHS Fac	18,445,000	0	18,445,000
Total Funds	20,207,000	3,233,000	23,440,000

(1) To construct and equip community, Social and Health Services Facilities (Referendum 29).

		REAPPROPRIATION	APPROPRIATION
GF, LIRA, DSHS Fac		18,445,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
6,245,000	0	24,690,000	0

(2) To repair and improve utilities and facilities—Omnibus.

		REAPPROPRIATION	APPROPRIATION
DSHS Constr Acct		1,200,000	1,000,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,467,000	0	3,667,000	6/79

(3) To provide contingency expenses on DSHS construction projects.

REAPPROPRIATION APPROPRIATION

DSHS Constr Acct		202,000	300,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
383,000	0	885,000	6/79

(4) To provide for preplanning funds on future construction projects (1977-81).

REAPPROPRIATION APPROPRIATION

DSHS Constr Acct		200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
239,000	0	439,000	6/79

(5) To research, design, and implement energy conservation and solar heating principles, both passive and active.

REAPPROPRIATION APPROPRIATION

DSHS Constr Acct		160,000	433,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
123,000	0	716,000	6/79

(6) To convert the existing facility at Northern State Hospital.

REAPPROPRIATION APPROPRIATION

DSHS Constr Acct		0	1,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,500,000	1/78

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Estimated Total Cost of Projects \$9,354,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	239,000	219,000	458,000

General Fund—Federal	3,595,000	893,000	4,488,000
DSHS Constr Acct	2,144,000	519,000	2,663,000
CEP & RI Acct	200,000	0	200,000
Total Funds	6,178,000	1,631,000	7,809,000

(1) To provide fire, safety and health improvements at the Veterans' Home and Soldiers' Home including construction of a 78-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home.

	REAPPROPRIATION		APPROPRIATION
General Fund—State		186,000	0
General Fund—Federal		3,464,000	578,000
CEP & RI Acct		200,000	0
DSHS Constr Acct		1,935,000	519,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,520,000	0	8,402,000	6/79

(2) To repair sewer, Soldiers' Home.

	REAPPROPRIATION		APPROPRIATION
DSHS Constr Acct		209,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
8,000	0	217,000	4/78

(3) To replace boilers at Soldiers' Home.

	REAPPROPRIATION		APPROPRIATION
General Fund—State		0	169,000
General Fund—Federal		0	315,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	484,000	6/79

(4) To replace boilers at Veterans' Home.

	REAPPROPRIATION		APPROPRIATION
General Fund—State		53,000	0
General Fund—Federal		131,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
17,000	0	201,000	3/78

(5) To repair and improve utilities and facilities—Omnibus.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	50,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	6/79

NEW SECTION. Sec. 13. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

Estimated Total Cost of Projects			\$20,000,000
Biennial Amounts By Fund Source			
	Carryover	Current	Total
GF, PNW Fes Fac Constr Acct	0	5,000,000	5,000,000
General Fund—Federal	0	15,000,000	15,000,000
Total Funds	0	20,000,000	20,000,000

To construct a Pacific Northwest Festival Facility.

		REAPPROPRIATION	APPROPRIATION
GF, PNW Fes Fac Constr Acct		0	5,000,000
General Fund—Federal		0	15,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000,000	6/30/79

No portion of the appropriations contained in this section shall be expended until the state is in receipt of \$15,000,000 from the federal government, or so much thereof as to equal a 3 to 1 match, and which is sufficient to complete and make operational at least one of the three planned theatres in a phased construction plan. Should federal legislation dictate that the facility be owned by the federal government, the state moneys in this appropriation shall be granted to such federal administering agency which is representing the federal government: PROVIDED, That the federal matching funds shall be available by January 31, 1979.

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF ECOLOGY

Estimated Total Cost of Projects			\$6,836,800
Biennial Amounts By Fund Source			
	Carryover	Current	Total
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)	2,237,000	2,071,200	4,308,200
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter			

128, Laws of 1972 ex. sess. (Referendum 27)	616,000	378,600	994,600
Total Funds	2,853,000	2,449,800	5,302,800

(1) To construct ground water observation wells.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local
Improvements Revolving Account—
Water Supply Facilities: Appropriated
pursuant to the provisions of chapter 128,
Laws of 1972 ex. sess. (Referendum 27)

	124,000		0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
451,000	700,000	1,276,000	6/30/79

(2) To construct sanitary facilities at various state parks and Department of Social and Health Services institutions including sewage and sink waste disposal and sewage treatment facilities as provided by chapter 127, Laws of 1972 ex. sess.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local
Improvements Revolving Account—
Waste Disposal Facilities: Appropriated
pursuant to the provisions of chapter 127,
Laws of 1972 ex. sess. (Referendum 26)

	2,037,000	
(a) Paradise Point		20,300
(b) Larrabee		20,300
(c) Conconully		42,200
(d) Yakima Sportsman		104,200
(e) Deception Pass		28,000
(f) Westport Light		36,000
(g) Ocean City		26,600
(h) Birch Bay		306,400
(i) Lake Wenatchee		8,300
(j) Mount Spokane		20,100
(k) South Whidbey		38,300
(l) Twanoh		64,700
(m) Fort Flagler		184,700
(n) Fay Bainbridge		30,100
(o) Ginkgo/Wanapum		10,000
(p) Sacajawea		93,300
(q) Dash Point		230,200
(r) Bogachiel		27,100
(s) Region II—Drainfields and septic tanks replacement in 2 parks		10,600
(t) Potholes		4,700
(u) Camp Wooten (ELC)		83,600
(v) Region II—120 sink waste drains in 13 parks		57,800
(w) Region I—Drainfield and septic tank replacement in 11 parks		57,700

(x) Region III—61 sink waste drains in 14 parks	33,100
(y) Region III—Solid waste transfer facilities in 9 parks	27,700
(z) Region III—Drainfield and septic tank replacement in 4 parks	25,700
(aa) Riverside	138,000
(bb) Oyhut—Ocean Beach Access	12,100
(cc) Region I—Solid waste transfer facilities in 3 parks	8,300
(dd) Region II—Solid waste transfer facilities in 14 parks	37,900
(ee) Dosewallips	18,100
(ff) Moran	225,000
(gg) Fields Spring	10,000
(hh) San Juan Islands	30,100

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,226,000	0	5,334,200	6/30/79

(3) To construct water supply facilities at various state parks as provided by chapter 128, Laws of 1972 ex. sess.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local Improvements Revolving Account—
Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27)

	492,000
(a) Lake Chelan	25,400
(b) Deception Pass	7,200
(c) Fort Flagler	94,800
(d) Ocean City	15,000
(e) Kitsap Memorial	31,300
(f) Lyons Ferry	7,900
(g) Sun Lakes	16,500
(h) Lewis and Clark	17,000
(i) Loomis Lake	19,000
(j) Spencer Spit	10,000
(k) Sacajawea	6,600
(l) Belfair	18,000
(m) Lake Cushman	5,800
(n) Camp Wooten	29,200
(o) Fields Spring	18,100
(p) Jarrell Cove	7,400
(q) Ginkgo/Wanapum	11,300
(r) Bogachiel	25,400
(s) Beacon Rock	12,700

Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date
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6/30/77	Thereafter		
356,000	0	1,226,600	6/30/79

(4) For acquisition only of land in the Hanford Reservation. Said land to be held without development for hazardous waste disposal purposes until further authorization by the legislature and only after receipt by the legislature of hydrological and geological site surveys as well as other environmental data.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local

Improvements Revolving Account Appropriation—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess. (Referendum 26)

	200,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs
0	0	200,000
		Estimated Completion Date
		12/7/77

NEW SECTION. Sec. 15. FOR THE STATE PARKS AND RECREATION COMMISSION

Estimated Total Cost of Projects \$15,481,250

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund	179,000	0	179,000
General Fund—ORA	1,169,000	1,212,000	2,381,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	1,709,000	865,000	2,574,000
General Fund—State and Local Improvement Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	3,569,000	2,878,250	6,447,250
Total Funds	6,626,000	4,955,250	11,581,250

(1) To provide for unanticipated restoration and repairs to existing state park facilities.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local

Improvement Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)

0	222,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	500,000	922,000	6/30/83

(2) To construct, repair, and improve state park facilities.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	179,000	6/30/79

(3) Schematics and preplanning as provided by chapter 129, Laws of 1972 ex. sess.

		REAPPROPRIATION	APPROPRIATION
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		120,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	120,000	6/30/79

(4) Fort Ebey campground development.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		0	100,000
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		272,000	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	472,000	6/30/79

(5) Manchester campground development.

		REAPPROPRIATION	APPROPRIATION
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		345,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	236,000	581,000	6/30/79

(6) Fort Columbia State Park building and interpretive display renovation.

REAPPROPRIATION APPROPRIATION

General Fund—Outdoor Recreation

Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	0	40,000
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General Fund—State and Local

Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	0	40,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	80,000	6/30/79

(7) Deception Pass final acquisition around Pass Lake.

REAPPROPRIATION APPROPRIATION

General Fund—ORA	0	200,000
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General Fund—Outdoor Recreation

Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	0	200,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
928,000	0	1,328,000	6/30/79

(8) Reed Island—Initial development of the park.

REAPPROPRIATION APPROPRIATION

General Fund—ORA	0	12,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	12,000	6/30/79

(9) Modernization and improvements at various parks as provided by section 4(3), chapter 129, Laws of 1972 ex. sess.

REAPPROPRIATION APPROPRIATION

General Fund—State and Local

Improvement Revolving Account Appropriation—Public Recreation Facilities; Appropriated pursuant to section 4(3),

chapter 129, Laws of 1972 ex. sess. (Referendum 28)	3,569,000		
(a) Fort Worden Conference Center		763,600	
(b) Deception Pass		152,000	
(c) Lake Wenatchee		16,900	
(d) Lake Chelan		40,400	
(e) Dash Point		102,600	
(f) Twanoh		167,500	
(g) Twin Harbors		98,300	
(h) Peace Arch		8,900	
(i) Pearrygin Lake		80,000	
(j) Camp Wooten (Camp Wooten ELC)		54,600	
(k) Bridle Trails		28,200	
(l) Rainbow Falls		70,900	
(m) Curlew Lake		29,400	
(n) Illaheec		40,400	
(o) Fort Canby		34,400	
(p) Ocean City		18,800	
(q) Fort Flagler		226,300	
(r) Lake Osoyoos		99,500	
(s) Ginkgo/Wanapum		29,100	
(t) Region I—Reforestation and construction of fire protection trails in 8 parks		30,000	
(u) Region II—Reforestation and construction of fire protection trails in 5 parks		29,000	
(v) Region III—Reforestation and construction of fire protection trails in 3 parks		6,000	
(w) Fields Spring		35,600	
(x) Dosewallips		103,400	
(y) Sequim Bay		16,300	
(z) Fort Okanogan		29,100	
(aa) Beacon Rock		9,300	
(bb) Mount Spokane		45,750	
(cc) Wenberg		13,400	
(dd) Maryhill—House		44,100	
(ee) Federation Forest—House		40,000	
(ff) Lake Cushman—House		40,000	
(gg) Horsethief Lake—House		41,000	
(hh) Bogachiel—House		40,000	
(ii) Camp Wooten (ELC)		6,500	
(jj) Peace Arch		5,400	
(kk) Kitsap Memorial		19,600	

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,248,000	0	7,433,250	6/30/79

(10) Halcy property, land and frontage acquisition on Case Inlet.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		0	150,000
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		0	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	600,000	900,000	1/83

(11) Acquisition and development, including park sites, boating facilities, and historical and archaeological sites, excluding the Mercer Slough acquisition.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		1,169,000	0
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		692,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
598,000	0	2,459,000	6/30/79

(12) For acquisition and development of an ocean beach scenic corridor between Fort Casey state park and Fort Ebey state park up to a maximum width of four hundred feet.

REAPPROPRIATION APPROPRIATION

General Fund—ORA		0	375,000
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.		0	375,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	750,000	12/77

(13) Mercer Slough additional land acquisition.

REAPPROPRIATION APPROPRIATION

General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		280,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	280,000	6/30/79

(14) Acquisition of land at Dash Point for state park.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		0	375,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	375,000	N/A.

The appropriation contained in this subsection is for the acquisition of 124 acres adjacent to Dash Point state park giving that tidelands park adequate area to serve the large metropolitan population in its area.

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF FISHERIES

Estimated Total Cost of Projects		\$65,796,000	
Biennial Amounts By Fund Source			
	Carryover	Current	Total
General Fund—Federal	945,000	3,073,000	4,018,000
GF, Fish Cap Proj Acct	2,555,000	4,840,000	7,395,000
General Fund—ORA	457,000	1,189,000	1,646,000
General Fund—Outdoor Recreation Account as provided by chapter 129, Laws of 1972 ex. sess.	560,000	596,000	1,156,000
Sal Enhmt Constr Acct	0	31,381,000	31,381,000
Total Funds	4,517,000	41,079,000	45,596,000

The appropriations contained in subsections (6) through (41) of this section shall be subject to the following conditions and limitations:

The productivity of any salmon propagation facility is very dependent on water quantity and quality. Since there is a limited number of water sources which meet the critical needs of a facility it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development in the allocation of funds;

Prior to expending any moneys for the construction and development of any particular salmon propagation facility, except for site acquisition and preliminary design, the department shall give consideration to the following factors with respect to that facility:

The department's management authority over propagated salmon;

The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;

Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and

Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonoid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game;

To aid and advise the department in the performance of its functions as specified herein with regard to the salmon enhancement program, a salmon advisory council shall be created. The advisory council shall consist of ten members appointed by the governor; the director of the department of fisheries, who shall be chairman;

the director of the department of game; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the appointive members two shall represent troll fishermen; two shall represent gillnet fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; two shall represent sportsmen; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

The advisory council shall be convened by the director prior to the decision to expend any funds for construction and development of any salmon propagation facility listed in subsections (6) through (41) of this section. The council shall advise the director with regard to the considerations listed herein and any other factors the council deems relevant with respect to the proposed facility.

Terms of the appointive members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of the department of game, or his designee, shall receive reimbursement for travel expenses incurred in the performance of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members or their designees, shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

Not more than the following amounts as listed in subsections (6) through (41) of this section shall be expended for the site acquisition, preliminary design, construction and development of such hereinabove described projects, which are ranked after site acquisition and exploration, survey, and design in order of their estimated benefit/cost ratio, with the project having the highest benefit/cost ratio being listed first.

(1) Renovations and improvements to meet safety, health and environmental regulations: PROVIDED, That all upgrading of domestic water supply facilities at all state hatcheries be completed by September 1, 1978.

	REAPPROPRIATION		APPROPRIATION
GF, Fish Cap Proj Acct		0	1,161,000
General Fund—Federal		0	813,000
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through 6/30/77	7/1/79 and Thereafter		
681,000	2,600,000	5,255,000	6/30/83

(2) Replacements and alterations to maintain current production at various locations, state-wide.

	REAPPROPRIATION		APPROPRIATION
GF, Fish Cap Proj Acct		0	2,053,000
General Fund—Federal		0	349,000
Project Costs	Estimated Costs	Estimated Total Costs	Estimated Completion Date
Through	7/1/79 and		

6/30/77	Thereafter		
22,000	555,000	2,979,000	7/1/83
(3) Projects to improve operation and production efficiency at existing facilities.			

		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		0	1,368,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	5,006,000	6,374,000	7/1/83

(4) Construction and improvements for shellfish research and production—State-wide.

		REAPPROPRIATION	APPROPRIATION
GF, Fish Cap Proj Acct		0	258,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	480,000	738,000	7/1/81

(5) Fisheries related recreation activity—State-wide including acquisition and development of access facilities, boat launching facilities, and tour facilities at hatcheries.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		457,000	1,189,000
General Fund—Outdoor Recreation Account as provided by chapter 129, Laws of 1972 ex. sess. (Referendum 28)		560,000	596,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
125,000	6,825,000	9,752,000	6/30/83

(6) Land purchase for enhancement.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	2,165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	2,165,000	7/1/79

(7) Exploration, survey, and preliminary design.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	386,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
300,000	700,000	1,386,000	7/1/79

(8) To construct and develop Skykomish Hatchery ground water system project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	137,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	137,000	11/30/78

(9) To construct and develop Percival Cove project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	348,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	348,000	12/31/78

(10) To construct and develop Johns Creek project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal GF, Fish Cap Proj Acct		190,000	0
Sal Enhmt Constr Acct		190,000	0
		0	370,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	0	770,000	10/31/78

(11) To construct and develop streamside gravel incubators.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	339,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	339,000	9/31/78

(12) To construct and develop Klickitat acclamation pond.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	354,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	354,000	1/31/79

(13) To construct and develop Lewis River release pond.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	844,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	844,000	6/30/79

(14) To construct and develop Schorno Springs Pond—Nisqually River project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,008,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,008,000	6/30/79

(15) To construct and develop Bear Springs project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	228,000
Sal Enhmt Constr Acct		0	228,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	456,000	7/1/79

(16) To construct and develop Cedar River Springs rearing ponds.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	471,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	471,000	6/30/79

(17) To construct and develop Icy Creek rearing ponds.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	459,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	459,000	12/31/78

(18) To construct and develop Hunter Springs Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,408,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,408,000	12/31/78

(19) To construct and develop Cedar River gravel incubators.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	103,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	103,000	11/30/77

(20) To construct and develop Satsop Springs Pond project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	299,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	299,000	10/31/78

(21) To construct and develop Toutle River Hatchery project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	570,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	570,000	1/31/79

(22) To construct and develop Case Inlet project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	685,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	685,000	6/30/79

(23) To construct and develop Weyco Pond project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	168,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	168,000	10/31/78

(24) To construct and develop Hupp Springs project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal GF, Fish Cap Proj Acct		0	168,000
Sal Enhmt Constr Acct		116,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
4,000	0	456,000	6/30/78

(25) To construct and develop Cowlitz Hatchery rearing pond.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,160,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
92,000	0	1,252,000	6/30/79

(26) To construct and develop McAllister Springs Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	2,278,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
100,000	0	2,378,000	12/31/78

(27) To construct and develop Nooksack Hatchery expansion project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	3,239,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	3,239,000	3/31/79

(28) To construct and develop Lewis River Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	1,969,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,969,000	12/31/79

(29) To construct and develop Wynoochee River rearing ponds.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	1,131,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,131,000	3/31/79

(30) To construct and develop Lower Skagit River project.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	1,790,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,790,000	7/1/79

(31) To construct and develop the spawning gravel restoration project.

REAPPROPRIATION APPROPRIATION

GF, Fish Cap Proj Acct		45,000	0
Sal Enhmt Constr Acct		0	520,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
192,000	0	757,000	6/30/79

(32) To construct and develop Simpson Hatchery additional pumps and distribution system.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	145,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	145,000	10/31/78

(33) To construct and develop South Fork Willapa Hatchery.

REAPPROPRIATION APPROPRIATION

Sal Enhmt Constr Acct		0	1,767,000
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Project Costs	Estimated Costs	Estimated Total	Estimated Completion
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Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	1,767,000	12/31/79

(34) To construct and develop Allison Springs Hatchery.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	538,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	538,000	6/30/79

(35) To construct and develop the Skookumchuck Creek project.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	615,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	615,000	9/30/78

(36) To construct and develop Cedar River spawning channel.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	859,000
Sal Enhmt Constr Acct		0	859,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,718,000	6/30/79

(37) To construct and develop Hurd Creek water supply.

		REAPPROPRIATION	APPROPRIATION
Sal Enhmt Constr Acct		0	262,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	262,000	6/30/79

(38) To construct and develop Kalama Falls Hatchery release pond and water supply project.

		REAPPROPRIATION	APPROPRIATION
General Fund—Federal		0	656,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

General Fund—ORA	350,000	0	350,000
General Fund—Outdoor Recreation Account appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	350,000	0	350,000
Total Funds	1,735,000	3,388,082	5,123,082

(1) Critical resource acquisition, acquire lands for wildlife habitat, wildlife recreation, and public hunting state-wide.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		115,000	0
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		115,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,308,000	17,060,000	27,598,000	6/30/83

(2) Land acquisition, freshwater shorelands, acquire lands to provide public access to inland waters state-wide.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		10,000	0
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		10,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,938,000	1,178,000	3,136,000	6/30/83

(3) Critical resource development, develop lands to provide recreational opportunities for the public state-wide.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		120,000	0
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		120,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
908,000	2,088,000	3,236,000	6/30/83

(4) Freshwater shorelands development, development of facilities to provide public access to inland waters state-wide.

		REAPPROPRIATION	APPROPRIATION
General Fund—ORA		105,000	0
General Fund—Outdoor Recreation			
Account Appropriation: Appropriated pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		105,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,762,000	2,840,000	5,812,000	6/30/83

(5) Major repairs and replacements, provision of funds for unanticipated capital improvements at existing facilities.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
100,000	200,000	400,000	6/30/83

(6) Snow Creek Research Station, complete construction of fish culture research station.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		530,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
100,000	0	630,000	6/30/79

(7) Lower Columbia study, fish production feasibility study for the lower Columbia River.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		65,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	70,000	12/31/77

(8) Naches Hatchery, water supply development for raceways and hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		115,000	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
20,000	0	135,000	10/30/77

(9) Olympia Office Annex landscaping.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		2,500	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,500	0	8,000	7/29/77

(10) To construct Sunnyside WRA Irrigation System.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		4,000	0
Game Fund—Federal		12,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
16,000	0	32,000	7/30/77

(11) To construct pollution abatement facilities at the Skamania Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		175,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
212,000	0	387,000	9/1/77

(12) To construct pollution abatement facilities at the Beaver Creek Hatchery.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Federal		0	581,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	581,000	6/30/79

(13) Wells Wildlife Recreation Area (WRA), development of irrigation system for wildlife cover.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		0	89,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
0	0	89,000	6/30/79

(14) To construct ten miles of boundary fence around Wells Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		15,000	83,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	98,000	6/30/79

(15) To construct an equipment and storage shop at Wells Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—Local		0	32,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	32,000	6/30/79

(16) Vancouver Hatchery, connect sewer to municipal system to meet codes.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	16,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	16,000	6/30/79

(17) To construct residences at L.T. Murray and Snoqualmie Wildlife Recreation Areas.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	22,500
Game Fund—Federal		0	67,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	90,000	6/30/79

(18) Develop irrigation system for wildlife species maintenance at Sherman Creek Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	8,000
Game Fund—Federal		0	24,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	32,000	6/30/79

(19) To construct seed storage facility at McNary Wildlife Recreation Area.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	700
Game Fund—Federal	0	2,100

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	2,800	6/30/79

(20) To construct hay and feed barn at L.T. Murray Wildlife Recreation Area.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	13,931
Game Fund—Federal	0	41,794

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	55,725	6/30/79

(21) To construct rearing pond at Calawah-Rayonier Hatchery.

REAPPROPRIATION APPROPRIATION

Game Fund—Local	4,000	0
Game Fund—Federal	4,000	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
27,000	0	35,000	7/30/77

(22) To construct intake revision system at Chambers Creek.

REAPPROPRIATION APPROPRIATION

Game Fund—State	3,000	0
Game Fund—Federal	3,000	0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,000	0	9,000	7/30/77

(23) Dingell-Johnson, feasibility study on fish impoundment projects.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	1,500
Game Fund—Federal	0	4,500

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	6,000	6/30/79

(24) Purchase and install irrigation system for habitat development at Gloyd Seeps Wildlife Recreation Area.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	5,250
Game Fund—Federal	0	15,750

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	21,000	6/30/79

(25) To construct habitat area and wildlife recreation area boundary fencing state-wide.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	46,753
Game Fund—Federal	0	140,257

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	185,000	372,010	6/30/83

(26) To construct storage building for farm machinery at Mount Vale ranch.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	4,875
Game Fund—Federal	0	14,625

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	19,500	6/30/79

(27) Improvement of water fowl hunting area at Sunnyside Wildlife Recreation Area by raising Griffin Lake.

REAPPROPRIATION APPROPRIATION

Game Fund—State	0	4,875
Game Fund—Federal	0	14,625

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	19,500	6/30/79

(28) To construct and/or improve one mile of dike to protect production and recreation land at Skagit Wildlife Recreation Area.

	REAPPROPRIATION		APPROPRIATION
Game Fund—State		0	5,250
Game Fund—Federal		0	13,750
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	21,000	6/30/79

(29) To construct shop and storage area for equipment at the McNary Wildlife Recreation Area.

	REAPPROPRIATION		APPROPRIATION
Game Fund—State		0	4,500
Game Fund—Federal		0	13,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	18,000	6/30/79

(30) To construct shop and storage area for equipment at Skagit Wildlife Recreation Area.

	REAPPROPRIATION		APPROPRIATION
Game Fund—State		0	6,175
Game Fund—Federal		0	18,525
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	24,700	6/30/79

(31) To construct storage shed at Columbia Basin Wildlife Recreation Area.

	REAPPROPRIATION		APPROPRIATION
Game Fund—State		4,375	0
Game Fund—Federal		13,125	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
13,000	0	30,500	9/30/77

(32) Purchase and install irrigation system for habitat development at Sinlahekin Wildlife Recreation Area.

	REAPPROPRIATION		APPROPRIATION
Game Fund—State		0	5,500
Game Fund—Federal		0	16,500
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	0	22,000	6/30/79

(33) To construct shop and equipment storage building at Snoqualmie Wildlife Recreation Area.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	6,675
Game Fund—Federal		0	20,025
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	26,700	6/30/79

(34) To construct Phase II of development of major trout production facility at the Waikiki Brood Pond at Spokane.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		70,000	414,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
30,000	713,000	1,227,000	9/30/77

(35) Move five brooder houses from Auburn Game Farm to South Tacoma Game Farm, and repair or replace brooder and holding pens state-wide.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	262,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	275,000	537,000	6/30/81

(36) Survey to establish boundaries of Wildlife Recreation Areas.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		0	8,300
Game Fund—Federal		0	24,950
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	33,250	6/30/79

(37) To construct and maintain fences state-wide.

		REAPPROPRIATION	APPROPRIATION
Game Fund—State		15,000	160,954
Game Fund—Federal		0	25,943

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
54,000	167,000	422,897	6/30/83

(38) Install areator in water supply to reduce trout mortality at Arlington Hatchery.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	15,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	15,000	6/30/79

(39) To construct combination garage and storage building at the South Tacoma Hatchery.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	14,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	14,000	6/30/79

(40) To construct concrete troughs to replace obsolete metal troughs.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	7,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	7,000	6/30/79

(41) To construct new residence at the Naches Hatchery.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	45,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	45,000	6/30/79

(42) Remodel existing storage area at Olympia warehouse to provide 3,300 square feet of office space and parking.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	80,000
Project	Estimated	Estimated	Estimated

Costs Through 6/30/77	Costs 7/1/79 and Thereafter	Total Costs	Completion Date
0	107,000	187,000	6/30/81

(43) Auburn Game Farm Consolidation—Distribute existing Auburn facilities to Whidbey Island, South Tacoma, and Lewis County Game Farms, and sell Auburn Game Farm.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	235,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	235,000	6/30/79

(44) Relocate Auburn shop activities to Olympia after sale of Auburn Game Farm.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	1,546,000	2,121,000	6/30/83

(45) To construct underground electrical and telephone service lines to the Seward Park Hatchery, and remove overhead distribution system.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	25,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,000	6/30/79

(46) Site improvements—Paving and landscaping at Spokane and Ephrata offices.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	11,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	18,000	29,000	6/30/79

(47) Purchase of portable fish disease laboratory, and renovation of Puyallup laboratory.

REAPPROPRIATION APPROPRIATION

Game Fund—State		0	25,000
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,000	6/30/79

(48) Remodeling of Vancouver Game Office for increased capacity.

	REAPPROPRIATION		APPROPRIATION
Game Fund—State		0	13,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	13,000	6/30/79

(49) Notwithstanding any other provision of this section to the contrary, all capital projects relating to the Auburn Game Farm and shops shall be contingent upon the sale of the Auburn Game Farm at a sale value of not less than \$1,500,000 and final approval by the Office of Program Planning and Fiscal Management. Funds received from the sale of the Auburn Game Farm shall be deposited in the game fund—state.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF NATURAL RESOURCES

Estimated Total Cost of Projects \$41,340,278

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	25,500	296,750	322,250
GF, For Dev Acct	387,000	700,000	1,087,000
GF, Res Mgmt Acct	5,538,500	10,382,250	15,920,750
CEP & RI Acct	0	198,000	198,000
General Fund—ORA	451,000	1,047,661	1,498,661
General Fund—Outdoor Rec- reation Account as provided by chapter 129, Laws of 1972 ex. sess.	414,000	897,617	1,311,617
Total Funds	6,816,000	13,522,278	20,338,278

(1) To construct southeast area office at Ellensburg. Construction of new headquarters complex in Kittitas County: PROVIDED, That the proceeds from the sale of the existing Ellensburg complex be deposited in the state general fund.

	REAPPROPRIATION		APPROPRIATION
General Fund—State		0	259,000
GF, Res Mgmt Cost Acct		0	259,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	518,000	10/31/78

(2) Northwest area building renovation. Construction of additional space to provide office and timber sale auction facility.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		71,000	280,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	351,000	10/31/78

(3) To construct roads and bridges for access to state timber lands state-wide.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		1,914,000	1,517,000
GF, For Dev Acct		387,000	500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,484,000	3,000,000	9,802,000	6/30/83

(4) To construct irrigation systems to convert existing unproductive acreage to income producing land.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		2,845,000	4,923,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,490,000	4,000,000	13,258,000	6/30/83

(5) Right of way acquisition to permit access to state timber lands and lands with potential commercial development.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	740,000
GF, For Dev Acct		0	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	2,000,000	2,940,000	6/30/83

(6) Forks seedling storage.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		8,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
8,000	0	16,000	6/30/79

(7) Land development and tideland facilities, preparation of sites for commercial development.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		385,000	1,660,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
122,000	2,000,000	4,167,000	6/30/83

(8) To construct lookout replacement.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	20,000	30,000	6/30/83

(9) Larch Mountain, provide hydraulic hoist in auto shop for vehicle maintenance.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	6,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	6,000	6/30/78

(10) To construct chemical and paint storage facility at Larch Mountain.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	20,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	9/30/77

(11) To construct storage building at Larch Mountain for storage of fire fighting vehicles and equipment.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	12,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	12,000	6/30/79

(12) To construct Hoh-Clearwater office, lab, and storage.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	55,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	55,000	10/31/78

(13) To construct addition to body shop for furnace and paint storage to meet fire codes.

		REAPPROPRIATION	APPROPRIATION
General Fund-----State		0	1,750
GF, Res Mgmt Cost Acct		0	1,750
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	3,500	6/30/79

(14) Youth and Honor Camp road and bridge materials.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	300,000	450,000	6/30/79

(15) To construct reforestation roads—Construction of access roads to isolated timber stands in need of rehabilitation.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	612,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	85,000	697,000	6/30/83

(16) Recreation-----Interagency Committee for Outdoor Recreation (IAC) projects-----Implementation of IAC approved budget for acquisition and development of recreation facilities state-wide.

		REAPPROPRIATION	APPROPRIATION
General Fund-----ORA		451,000	1,047,661
General Fund-----Outdoor Recreation Account as provided by section 4(1), chapter 129, Laws of 1972 ex. sess. (Referendum 28)		414,000	897,617

The appropriations contained in this subsection shall be expended so that not more than the following amounts listed for each of the following projects shall be expended:

(a) Foss Cove/Eagle Cliff on Cypress Island, Skagit County	119,500
(b) Cattle Point Lighthouse on San Juan Island development	41,500
(c) Mima Mounds stage 2 acquisition	176,000
(d) Douglas Falls near Colville	93,500
(e) Homestead redevelopment in Spokane County	79,500
(f) Yahoo Lake near Queets acquisition	17,500
(g) Mima Mounds stage I development	119,000
(h) Black River boat trail acquisition	18,000
(i) River Bend in Skagit County boating and camping development	79,500
(j) Cypress Head on Cypress Island in Skagit County—Development	75,500
(k) Overland Trail in Kitsap and Mason Counties to develop 14 miles of trail	66,000
(l) Samish Island parking acquisition (Skagit County)	25,000
(m) Yacolt Trail 3 mile extension (Clark County)	25,000
(n) Margaret McKenny expansion Capitol Forest, acquisition	6,000
(o) Blanchard Trail and Trailhead development (Skagit County)	38,500
(p) Lily Lake development (Skagit County)	34,000
(q) Howell Lake Trail (Mason County), develop 3-1/2 miles of trail	35,500
(r) Yahoo Lake development (NE of Queets)	48,000
(s) Mission Creek Trailhead acquisition (Mason County)	5,000
(t) Mima Trailhead Camp acquisition (Capitol Forest)	13,000
(u) Bald Point Trailhead acquisition (Mason County)	5,000
(v) Shelter Rock stage 2 development (Skamania County)	50,000
(w) Gibson Trail (Capitol Forest), to develop 13 miles of trail	143,000
(x) South Fork Hoh River acquisition	12,000
(y) Dragoon Creek Expansion	69,000
(z) Siouxon Trail (Clark/Skamania Counties), to develop 12 miles of trail	84,000
(aa) Lizzard Lake—Skagit County development	22,000
(bb) Upper Humptulips—Grays Harbor acquisition	20,000
(cc) Boulder Creek—Ferry County acquisition	5,000
(dd) Cypress Island acquisition	209,793

(cc) Mima Mounds stage III acquisition			180,000
(ff) Mima Mounds development			29,985
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,506,000	3,960,000	8,276,278	6/30/83

(17) Humptulips, garage and storage, replace unsafe wood structure for winter protection of fire vehicles.

REAPPROPRIATION APPROPRIATION

General Fund—State		0	16,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	16,000	6/31/78

(18) To construct cold storage facilities at Clearwater Honor Camp and at Enumclaw.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		0	47,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	47,000	6/30/79

(19) To construct additional shop and storage space at the southwest area headquarters.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		0	80,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	80,000	6/30/79

(20) To construct storage facility for centralized storage of fertilizer, seed, and hydro-mulch.

REAPPROPRIATION APPROPRIATION

GF, Res Mgmt Cost Acct		105,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	105,000	6/30/79

(21) To construct gunnite or concrete lined water holes on ridgetops for use by helicopter for dipping water during fire operations.

		REAPPROPRIATION	APPROPRIATION
General Fund-----State		8,500	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,000	10,000	20,500	6/30/79

(22) To construct wells and distribution system for the seed orchard to provide irrigation and fire protection.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		73,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
12,000	0	85,000	6/30/79

(23) To construct facility at Bellingham head greenhouse to provide for mechanical handling of containerized plants.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		15,000	5,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(24) To construct hose drying facilities.

		REAPPROPRIATION	APPROPRIATION
General Fund-----State		17,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,000	0	20,000	6/30/79

(25) Bellingham packing shed, convert bulb house to a packing shed and cold storage area.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		10,000	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(26) To construct 3,000 square feet of office and laboratory space for forest land management center.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		105,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	105,000	6/30/79

(27) Webster nursery—Land reclamation

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	50,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	50,000	6/30/79

(28) Paving of driveways and parking areas at south Puget Sound, southwest and northeast area headquarters.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	23,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	23,000	6/30/79

(29) To construct 15,000 square feet of lath house at the Bellingham nursery to provide holding area for seedlings.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		7,500	60,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	67,500	6/30/79

(30) Forest land management center, enlarge shop to accommodate large equipment.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	20,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	20,000	6/30/79

(31) To construct additional storage space for fire fighting equipment at the central area headquarters.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	25,500
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	25,500	6/30/79

(32) To construct remote gas station at Larch Mountain Honor Camp.

		REAPPROPRIATION	APPROPRIATION
CEP & RI Acct		0	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	10,000	6/30/79

(33) To construct underground vaults to house remote weather sensing instruments.

		REAPPROPRIATION	APPROPRIATION
General Fund—State		0	10,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	10,000	6/30/79

(34) Forest Land Management Center—Paving of parking area, access road, and drive circle to reduce dust problems.

		REAPPROPRIATION	APPROPRIATION
GF, Res Mgmt Cost Acct		0	14,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	14,000	6/30/79

NEW SECTION. Sec. 19. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

	Estimated Total Cost of Projects		\$5,916,000
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess. (Referendum 28)	1,916,000	4,000,000	5,916,000
Total Funds	1,916,000	4,000,000	5,916,000

REAPPROPRIATION APPROPRIATION

General Fund—Outdoor Recreation
 Account Appropriation: Appropriated
 pursuant to section 4(2), chapter 129,
 Laws of 1972 ex. sess. (Referendum 28)

	1,916,000		4,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	5,916,000	6/30/79

NEW SECTION. Sec. 20. FOR THE UNIVERSITY OF WASHINGTON

Estimated Total Cost of Projects \$107,841,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
UW Bldg Acct	8,859,000	19,003,000	27,862,000
St Bldg Auth Constr Acct	9,000,000	0	9,000,000
Total Funds	17,859,000	19,003,000	36,862,000

No further real property which will affect a net addition to its real property holdings may be purchased or leased by the University of Washington in its north-east Seattle campus area. The University of Washington shall submit by January 1, 1978, to the appropriations committee of the house of representatives and the ways and means committee of the senate, its plan for the use of real property in its present ownership which is not now being used for teaching and/or research purposes.

(1) To construct, renovate, and equip teaching facilities in university hospital. Estimated project completion date 6/83.

REAPPROPRIATION APPROPRIATION

St Bldg Auth Constr Acct	9,000,000		0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
2,576,000	7,300,000	19,776,000	9,900,000

(2) To construct and equip renovations to building mechanical and electrical systems in Johnson Hall. Estimated project completion date 10/78.

REAPPROPRIATION APPROPRIATION

UW Bldg Acct		892,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
273,000	0	1,165,000	892,000

(3) To construct and equip Phase II and Phase III renovations in Bagley Hall. Estimated project completion date 6/81.

		REAPPROPRIATION		APPROPRIATION	
UW Bldg Acct			1,550,000		3,900,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Costs 7/1/77 Through 6/30/79	
2,212,000	0	7,662,000		5,450,000	

(4) To complete basement renovation in Kane Hall for audio-visual and closed circuit TV. Estimated project completion date 7/78.

		REAPPROPRIATION		APPROPRIATION	
UW Bldg Acct			950,000		0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Costs 7/1/77 Through 6/30/79	
50,000	0	1,000,000		950,000	

(5) To renovate building mechanical, electrical, and ventilation systems in Smith Hall. Estimated project completion date 9/77.

		REAPPROPRIATION		APPROPRIATION	
UW Bldg Acct			200,000		0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Costs 7/1/77 Through 6/30/79	
1,563,000	0	1,763,000		200,000	

(6) To renovate and equip offices and upgrade building structural, mechanical, and electrical systems in Health Sciences facilities. Estimated project completion date 6/83.

		REAPPROPRIATION		APPROPRIATION	
UW Bldg Acct			800,000		2,500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Costs 7/1/77 Through 6/30/79	
2,250,000	5,000,000	10,550,000		3,300,000	

(7) To purchase and install color television equipment for KCTS-Channel 9. Estimated project completion date 12/77.

		REAPPROPRIATION		APPROPRIATION	
UW Bldg Acct			725,000		0

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
775,000	0	1,500,000	725,000

(8) To construct and equip addition to Edmundson Pavilion. Estimated project completion date 8/78.

REAPPROPRIATION APPROPRIATION

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
63,000	0	2,079,000	2,016,000

(9) To design and construct new office, classroom, and library building for School of Social Work and Speech and Hearing Sciences. Estimated project completion date 8/78.

REAPPROPRIATION APPROPRIATION

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
23,000	0	6,500,000	6,477,000

(10) To provide design funds for a new undergraduate and graduate biology teaching building. Estimated project completion date 6/81.

REAPPROPRIATION APPROPRIATION

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
89,000	9,528,000	10,094,000	477,000

(11) To provide planning funds for a consolidated facility for Marine Sciences and College of Fisheries. Estimated project completion date 6/81.

REAPPROPRIATION APPROPRIATION

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through
		300,000	0

			6/30/79
100,000	3,200,000	3,600,000	300,000

(12) To construct and equip major utility and building renovations for operating efficiencies, safety improvements, and preservation of existing facilities. Estimated project completion date 6/81.

	REAPPROPRIATION		APPROPRIATION
UW Bldg Acct		2,800,000	4,235,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
	8,367,000	26,333,000	41,000,000
			6,300,000

(13) To construct and equip renovations to Gowan Hall. Estimated project completion date 3/78.

	REAPPROPRIATION		APPROPRIATION
UW Bldg Acct		20,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
	432,000	0	452,000
			20,000

(14) To construct and equip renovations to More Hall. Estimated project completion date 10/77.

	REAPPROPRIATION		APPROPRIATION
UW Bldg Acct		20,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
	680,000	0	700,000
			20,000

NEW SECTION. Sec. 21. FOR WASHINGTON STATE UNIVERSITY

	Estimated Total Cost of Projects		\$79,995,000
	Biennial Amounts By Fund Source		
	Carryover	Current	Total
WSU Bldg Acct	2,592,000	6,976,000	9,568,000
WSU Constr Acct	0	4,340,000	4,340,000
St H Ed Constr Acct	4,730,000	7,286,000	12,016,000
Off/Lab Constr Acct	949,000	0	949,000
Total Funds	8,271,000	18,602,000	26,873,000

(1) To construct and equip teaching, research and office space for biosciences, Phase II. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		870,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
8,915,000	0	9,785,000	870,000

(2) To construct and equip library addition. Estimated project completion date 2/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		103,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
6,027,000	0	6,130,000	103,000

(3) To construct and equip office and laboratory space for United States Department of Agriculture and National Weather Service. Estimated project completion date 11/77.

		REAPPROPRIATION	APPROPRIATION
Off/Lab Constr Acct		949,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
951,000	0	1,900,000	949,000

(4) To construct and equip classroom, laboratory, and office building for veterinary sciences. Estimated project completion date 8/78.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		3,860,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
7,890,000	0	14,029,000	6,139,000

(5) To construct warehousing structure for storage of hazardous chemicals. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		79,000	0
Project Costs	Estimated Costs	Estimated Total	Estimated Costs

Through 6/30/77	7/1/79 and Thereafter	Costs	7/1/77 Through 6/30/79
240,000	0	319,000	79,000

(6) To construct and equip experimental animal laboratory. Estimated project completion date 8/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		411,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,224,000	0	1,635,000	411,000

(7) To construct swine center facilities at Hasting's Farm. Estimated project completion date 11/77.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		966,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
737,000	0	1,703,000	966,000

(8) To provide minor building alterations or renovations for safety, increased efficiency, and extension of building life. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		683,000	1,983,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,472,000	5,570,000	11,929,000	4,062,000

(9) To construct and equip modifications to existing utility production and distribution systems. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WSU Bldg Acct		345,000	4,605,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,806,000	7,036,000	9,187,000	345,000

(10) To construct and equip Computer Sciences and Mathematics Building, Phase I. Estimated project completion date 12/79.

	REAPPROPRIATION		APPROPRIATION
WSU Constr Acct		0	4,340,000
St H Ed Constr Acct		0	5,060,000
Total Appropriations		0	9,400,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
272,000	0	9,986,000	9,714,000

(11) To construct and equip new receiving and delivery facility. Estimated project completion date 9/78.

	REAPPROPRIATION		APPROPRIATION
WSU Bldg Acct		5,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
14,000	465,000	484,000	5,000

(12) To construct and equip Intercollegiate Center for Nursing Education: PROVIDED, That funds for construction purposes shall not be expended until not less than \$3,270,000 in federal funding is provided or secured. Estimated project completion date 4/79.

	REAPPROPRIATION		APPROPRIATION
St H Ed Constr Acct		0	2,226,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
183,000	0	5,679,000	5,496,000

(13) To provide design funds for renovation and addition to Wegner Hall: PROVIDED, That funds shall not be expended until federal construction funds for Wegner Hall are secured. Local plant funds may be expended for design purposes prior to the commitment of federal funds. If federal funds are secured the appropriation can be used to offset design costs funded with local plant funds. Estimated project completion date 12/89.

	REAPPROPRIATION		APPROPRIATION
WSU Bldg Acct		0	388,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through

			6/30/79
0	6,841,000	7,229,000	388,000
<u>NEW SECTION.</u> Sec. 22. FOR EASTERN WASHINGTON STATE COLLEGE			

Estimated Total Cost of Projects \$11,171,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
EWSC Cap Proj Acct	827,000	2,299,000	3,126,000
St H Ed Constr Acct	1,207,000	0	1,207,000
Total Funds	2,034,000	2,299,000	4,333,000

(1) To perform minor capital improvements to comply with current fire and safety codes, and provide for handicap access. Estimated project completion date 6/83.

REAPPROPRIATION APPROPRIATION

EWSC Cap Proj Acct		0	456,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	635,000	1,091,000	456,000

(2) To perform minor capital improvements to correct facility deficiencies and improve utilization. Estimated project completion date 6/79.

REAPPROPRIATION APPROPRIATION

EWSC Cap Proj Acct		125,000	678,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
135,000	678,000	938,000	125,000

(3) To construct and equip utility loop system and implement energy conservation improvements. Estimated project completion date 6/79.

REAPPROPRIATION APPROPRIATION

EWSC Cap Proj Acct		700,000	165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
158,000	865,000	1,023,000	865,000

(4) To purchase moveable equipment for new Radio-TV Building. Estimated project completion date 6/79.

REAPPROPRIATION APPROPRIATION

EWSC Cap Proj Acct		0	1,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	0	1,000,000	1,000,000

(5) To construct and equip new physical education field house. Estimated project completion date 12/78.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		1,207,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
1,250,000	0	2,457,000	1,207,000

(6) To complete design on Maintenance/Warehouse Building. Estimated project completion date 6/83.

REAPPROPRIATION APPROPRIATION

EWSC Cap Proj Acct		2,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
43,000	3,380,000	3,425,000	2,000

NEW SECTION. Sec. 23. FOR CENTRAL WASHINGTON STATE COLLEGE

Estimated Total Cost of Projects \$9,056,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
CWSC Cap Proj Acct	913,000	665,000	1,578,000
St H Ed Constr Acct	282,000	2,000,000	2,282,000
Total Funds		1,195,000	2,665,000
3,860,000			

(1) To complete schematics on Barge Hall. Estimated project completion date 12/77.

REAPPROPRIATION APPROPRIATION

CWSC Cap Proj Acct		25,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Costs 7/1/77

6/30/77	Thereafter		Through 6/30/79
25,000	0	50,000	25,000

(2) Renovation and alterations to facilities. Estimated project completion date 5/78.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		293,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
167,000	0	460,000	293,000

(3) Utilities extensions, alterations, and repairs. Estimated project completion date 4/78.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		485,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
247,000	0	732,000	485,000

(4) To provide chilled water to Dean Hall. Estimated project completion date 10/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		100,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
6,000	0	106,000	100,000

(5) To correct safety deficiencies in Art Building. Estimated project completion date 7/78.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	84,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	0	84,000	84,000

(6) To correct safety deficiencies on campus as defined by Washington Industrial Safety and Health Act. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	119,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	141,000	260,000	119,000

(7) To construct a botany instruction greenhouse. Estimated project completion date 8/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct.		4,000	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
16,000	0	220,000	204,000

(8) To provide building modifications for improved handicapped access. Estimated project completion date 10/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	162,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	0	162,000	162,000

(9) To perform minor renovations, additions and remodeling for safety, increased utilization, and preservation of facilities.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		0	100,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	1,400,000	1,500,000	6/83

(10) To renovate and remodel Bouillon Hall for utilization as an instruction and faculty office building. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		115,000	2,000,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through

			6/30/79
109,000	0	2,224,000	2,115,000

(11) To purchase and install boilers in new boiler plant and install chiller loop. Estimated project completion date 11/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		7,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
769,000	0	776,000	7,000

(12) To complete grounds improvements to library area complex. Estimated project completion date 7/77.

		REAPPROPRIATION	APPROPRIATION
CWSC Cap Proj Acct		6,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
58,000	0	64,000	6,000

(13) To renovate McConnell Hall, construct an addition for drama program, and move computer center to Wildcat Shop. Estimated project completion date 10/77.

		REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct		160,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
141,000	3,626,000	3,927,000	160,000

NEW SECTION, Sec. 24. FOR THE EVERGREEN STATE COLLEGE

	Estimated Total Cost of Projects	\$15,033,000
	Biennial Amounts By Fund Source	
	Carryover	Current
St H Ed Constr Acct	1,852,000	165,000
TESC Cap Proj Acct	250,000	0
Total Funds	2,102,000	165,000
		Total
		2,267,000

(1) To construct and equip Communications Laboratory. Estimated project completion date 1/79.

	REAPPROPRIATION	APPROPRIATION
St H Ed Constr Acct	1,500,000	0

TESC Cap Proj Acct		250,000	0
Total Funds		1,750,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
6,705,000	0	8,455,000	1,750,000

(2) To construct and equip Laboratory and Office Building. Estimated project completion date 7/78.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		337,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
5,951,000	0	6,288,000	337,000

(3) To improve lighting, recreational fields, and utilities. Estimated project completion date 1/78.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		15,000	165,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
110,000	0	290,000	180,000

NEW SECTION. Sec. 25. FOR WESTERN WASHINGTON STATE COLLEGE

Estimated Total Cost of Projects \$21,276,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
St Bldg Auth Constr Acct	46,000	0	46,000
St H Ed Constr Acct	5,124,000	0	5,124,000
WWSC Cap Proj Acct	1,949,000	1,496,000	3,445,000
Total Funds	7,119,000	1,496,000	8,615,000

(1) To construct and equip Auditorium/Music Building addition. Estimated project completion date 6/79.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		1,837,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through

			6/30/79
574,000	0	2,459,000	1,885,000

(2) To construct and equip Environmental Studies Center. Estimated project completion date 12/78.

REAPPROPRIATION APPROPRIATION

St Bldg Auth Constr Acct		46,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs Through 6/30/79
72,000	0	118,000	46,000

(3) To construct, equip, and remodel space for applied arts/science programs. Estimated project completion date 6/79.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		177,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs Through 6/30/79
1,310,000	0	1,487,000	177,000

(4) To construct, equip, and renovate Old Main, Phase II. Estimated project completion date 6/79.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		3,072,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs Through 6/30/79
604,000	0	3,676,000	3,072,000

(5) To construct and equip capital improvements to south campus fields and grounds. Estimated project completion date 6/83.

REAPPROPRIATION APPROPRIATION

St H Ed Constr Acct		38,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs Through 6/30/79
69,000	3,648,000	3,755,000	38,000

(6) To perform minor capital improvements to facilities on campus. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		354,000	200,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
435,000	802,000	1,617,000	380,000

(7) To provide safety and handicapped access improvements. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		0	331,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
0	150,000	481,000	331,000

(8) To design consolidated receiving, shops, and warehouse. Estimated project completion date 6/81.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		41,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
81,000	3,043,000	3,165,000	41,000

(9) To design and install utility and energy conservation improvements to include joint feasibility study with City of Bellingham for common heat producing facility: PROVIDED, That the funds expended for a joint feasibility study shall not exceed \$30,000 or an amount in proportion with the projected utilization of the completed facility by the college, whichever is less. Estimated project completion date 6/83.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		1,554,000	150,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 Through 6/30/79
405,000	1,343,000	3,703,000	1,955,000

(10) To provide deferred movable equipment for Old Main, Phase II, and Auditorium/Music Building addition. Estimated project completion date 6/79.

		REAPPROPRIATION	APPROPRIATION
WWSC Cap Proj Acct		0	815,000

Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Costs 7/1/77 through 6/30/79
0	0	815,000	815,000

NEW SECTION, Sec. 26. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Estimated Total Cost of Projects \$96,884,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
General Fund—State	444,000	0	444,000
Com Col Cap Impvmt Acct	3,390,000	0	3,390,000
Com Col Cap Proj Acct	1,063,000	0	1,063,000
Com Col Cap Constr Acct	18,965,000	6,947,000	25,912,000
Total Funds	23,862,000	6,947,000	30,809,000

(1) To provide for future parking facility, Seattle Central Community College.

REAPPROPRIATION APPROPRIATION

General Fund—State	444,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	444,000	6/79

(2) To provide for a new library and remodeling, Spokane Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Impvmt Acct	161,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,462,000	0	1,623,000	12/77

(3) To provide for a Learning Resource Center and remodeling, Lower Columbia Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Impvmt Acct	1,153,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,500,000	0	2,653,000	4/78

(4) To provide for a Learning Resource Center, Science and Health facility, Everett Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		393,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,800,000	0	2,193,000	12/77

(5) To provide for vocational facilities, Peninsula Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		92,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	692,000	12/77

(6) To provide for a Learning Resource Center, Spokane Falls Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		306,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
3,350,000	0	3,656,000	12/77

(7) To provide for vocational facilities, South Seattle Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		73,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	673,000	12/77

(8) To provide for a student center addition and remodeling, Yakima Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
400,000	0	579,000	12/77

(9) To provide for remodeling an Art and Music Building, Olympic Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		334,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,155,000	0	1,489,000	3/78

(10) To provide for a Student Activity Building, Walla Walla Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		80,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
448,000	0	528,000	3/78

(11) To provide for land acquisition, remodels and alterations at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Impvmt Acct		308,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
11,100,000	0	11,408,000	12/77

(12) To provide for the remodeling of Edison School, Seattle Central Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		304,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,723,000	0	6,027,000	12/77

(13) To provide for construction, equipping, renovating, and alterations related to hazardous conditions at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		477,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
400,000	0	877,000	3/78

(14) To provide for alterations to alleviate deficient conditions.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		46,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
650,000	0	696,000	12/77

(15) To provide for a Trade and Industrial Building and remodeling, Spokane Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		1,266,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
9,000,000	0	10,266,000	3/78

(16) To provide for a Science, Dining and Physical Education Facility, Edmonds Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		125,000	0
Com Col Cap Impvmt Acct		245,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,435,000	0	2,805,000	12/77

(17) To provide for a welding shop, Everett Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		292,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
150,000	0	442,000	6/78

(18) To provide for a Human Resources, Art and Vocational Facility, Edmonds Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		1,624,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,000,000	0	2,624,000	6/78

(19) To provide for physical education locker space, Ft. Steilacoom Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		30,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	0	230,000	12/77

(20) To provide for a Learning Resource Center, Highline Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		5,836,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,000,000	0	6,836,000	6/78

(21) To provide for a Music Building, Shoreline Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		423,000	0
Com Col Cap Impvmt Acct		66,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,240,000	0	2,729,000	12/77

(22) To provide for a Learning Resource Center, South Seattle Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		4,024,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
2,000,000	0	6,024,000	6/78

(23) To provide for a Fine Arts Building, Ft. Steilacoom Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		211,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
800,000	0	1,011,000	3/78

(24) To provide for a geology laboratory remodeling, Highline Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		6,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	6,000	6/78

(25) To provide for a Learning Resource Center addition, Clark Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		179,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	779,000	3/78

(26) To provide for construction and equipment related to utility and lines, Highline Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		321,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
900,000	0	1,221,000	3/78

(27) To provide for a Fine Arts Auditorium—Phase I, Seattle Central Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		1,851,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
500,000	0	2,351,000	6/78

(28) To provide for remodeling Ehret Hall, Centralia Community College.

REAPPROPRIATION APPROPRIATION

Com Col Cap Constr Acct		22,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
370,000	0	392,000	12/77

(29) To provide for a shop facility, Green River Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		130,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
300,000	0	430,000	3/78

(30) To provide for a greenhouse, Everett Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		81,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	81,000	6/78

(31) To provide for a vocational facility, Clark Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		706,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
200,000	0	906,000	6/78

(32) To provide for the purchase and remodel of a dormitory for office use, Olympic Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		90,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
800,000	0	890,000	3/78

(33) To provide for code compliance through remodeling or construction at various campuses: PROVIDED, That the appropriation contained in this subsection is sufficient to complete the necessary work in all nine projects for the first year of the biennium only.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	1,585,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	1,668,000	3,253,000	6/79

(34) To provide improved handicapped access at various campuses.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	864,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	864,000	6/79

(35) To repair roofs at Bellevue Community College.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	268,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	268,000	10/77

(36) To construct minor capital projects at various campuses for improved efficiency and utilization of existing facilities.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		0	876,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	876,000	6/79

(37) To provide for unforeseen emergency capital repairs, to be administered by the state board.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		746,000	500,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
600,000	0	1,846,000	6/79

(38) Purchase, construct, equip and administer a pool of relocatables administered by the state board.

		REAPPROPRIATION	APPROPRIATION
Com Col Cap Constr Acct		75,000	325,000
Com Col Cap Proj Acct		338,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,624,000	0	11,362,000	6/79

(39) To provide for minor capital improvements to correct facility deficiencies and improve utilization, to be allocated to each district by the state board. The

appropriation contained in this subsection is contingent upon the enactment of chapter ... (SSB 2435), Laws of 1977 1st ex. sess.

	REAPPROPRIATION		APPROPRIATION
Com Col Cap Constr Acct		0	1,867,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,867,000	0

(40) To construct and equip the third floor auditorium for drama, Seattle Central Community College.

	REAPPROPRIATION		APPROPRIATION
Com Col Cap Proj Acct		625,000	0
Com Col Cap Constr Acct		0	489,000
Total Appropriations		625,000	489,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	1,114,000	6/79

(41) To complete the construction and equipping of the physical education facility, Walla Walla Community College.

	REAPPROPRIATION		APPROPRIATION
Com Col Cap Proj Acct		100,000	0
Com Col Cap Constr Acct		100,000	173,000
Total Appropriations		200,000	173,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
1,500,000	0	1,873,000	12/77

**NEW SECTION. Sec. 27. FOR THE BOARD OF EDUCATION—
SUPERINTENDENT OF PUBLIC INSTRUCTION**

Estimated Total Cost of Projects \$467,108,000

Biennial Amounts By Fund Source

	Carryover	Current	Total
Com Sch Constr Fund	91,467,000	149,049,000	240,516,000
Total Funds	91,467,000	149,049,000	240,516,000

To provide for public school building planning, construction, remodeling and demolition.

	REAPPROPRIATION		APPROPRIATION
Com Sch Constr Fund		91,467,000	149,049,000
Project Costs	Estimated Costs	Estimated Total	Estimated Completion

Through 6/30/77	7/1/79 and Thereafter	Costs	Date
76,592,000	150,000,000	467,108,000	N/A

NEW SECTION. Sec. 28. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

Estimated Total Cost of Projects	\$5,305,400
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Biennial Amounts By Fund Source

	Carryover	Current	Total
GF, Fire Trng Constr Acct	0	194,400	194,400
Total Funds	0	194,400	194,400

(1) Fire Service Training Center.

REAPPROPRIATION APPROPRIATION

GF, Fire Trng Constr Acct	0	194,400	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	5,111,000	5,305,400	6/30/83

NEW SECTION. Sec. 29. FOR THE STATE PATROL

Estimated Total Cost of Projects	\$998,000
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Biennial Amounts By Fund Source

	Carryover	Current	Total
MV Fund—State	178,000	1,273,000	1,451,000
Total Funds	178,000	1,273,000	1,451,000

(1) Construct and equip District V Headquarters at Vancouver.

REAPPROPRIATION APPROPRIATION

MV Fund—State	0	807,000	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	807,000	6/1/79

(2) Weigh station relocation at North Bend.

REAPPROPRIATION APPROPRIATION

MV Fund—State	35,000	0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	40,000	6/30/79

(3) Weigh station relocation at Port Angeles west.

REAPPROPRIATION APPROPRIATION

MV Fund—State	35,000	0
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Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
5,000	0	40,000	6/30/79

(4) To construct dual-scale weigh station at Plymouth Port of Entry.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	83,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	83,000	6/30/79

(5) Repair existing facilities.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	120,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	120,000	6/30/79

(6) To construct dual-scale weigh station at Vancouver Port of Entry.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	58,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	58,000	6/30/79

(7) To construct and equip mobile radio relay station in Grays Harbor area.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	66,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	66,000	6/30/79

(8) To construct inspection building at South King County detachment office.

		REAPPROPRIATION	APPROPRIATION
MV Fund—State		0	76,000
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
0	0	76,000	6/30/79

(9) To construct gasoline storage and dispensing facilities in the Bellingham, Okanogan, Sunnyside, and Walla Walla areas.

REAPPROPRIATION APPROPRIATION

MV Fund—State		0	63,000
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
0	0	63,000	6/30/79

(10) To construct radio relay station in the Gold Mountain area.

REAPPROPRIATION APPROPRIATION

MV Fund—State		8,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
9,000	0	17,000	6/30/79

(11) To construct East King County District II headquarters.

REAPPROPRIATION APPROPRIATION

MV Fund—State		35,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
290,000	0	325,000	6/30/79

(12) Land acquisition and construction for radio relay stations on the Columbia River.

REAPPROPRIATION APPROPRIATION

MV Fund—State		40,000	0
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs	Estimated Completion Date
10,000	0	50,000	6/30/79

(13) Land acquisition and construction for radio relay station in the Pomeroy area.

REAPPROPRIATION APPROPRIATION

MV Fund—State		10,000	0
Project Costs Through	Estimated Costs 7/1/79 and	Estimated Total Costs	Estimated Completion Date

6/30/77	Thereafter		
30,000	0	40,000	6/30/79

(14) Land acquisitions for radio relay stations in the Colville and Clarkston areas.

		REAPPROPRIATION		APPROPRIATION	
MV Fund—State		15,000		0	
Project Costs Through 6/30/77	Estimated Costs 7/1/79 and Thereafter	Estimated Total Costs		Estimated Completion Date	
5,000	0	20,000		12/31/77	

NEW SECTION. Sec. 30. FOR THE STATE TREASURER—
TRANSFERS

Capitol Building Construction Account Appropriation:
For transfer to the State Building Construction Account to be used for capital projects on the capitol grounds \$ 1,500,000

NEW SECTION. Sec. 31. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 32. Reappropriations shall be limited to the unexpended balances remaining June 30, 1977, in the current appropriation for each project.

NEW SECTION. Sec. 33. The governor, through the director of the office of program planning and fiscal management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of the office of program planning and fiscal management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the house and senate.

NEW SECTION. Sec. 34. The depreciation schedule developed by the department of personnel used in rent assessments of state employees living in state owned housing shall be based on the actual housing cost to the state including any maintenance and interest costs depreciated over 30 years. Utility charges shall be at cost.

NEW SECTION. Sec. 35. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 36. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977."

Signed by: Senators Mardesich, Walgren and Scott; Representatives Polk, Warnke and McKibbin.

MOTION

On motion of Senator Scott, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference on Engrossed Substitute Senate Bill No. 3110.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 124, by Senators Sandison, Clarke, Goltz and Wilson:

Establishing the joint legislative committee on Washington/British Columbia cooperation.

MOTIONS

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

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 124 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENTS TO STATUTORY AND SELECT COMMITTEES

The President announced the following members to the Statutory and Select Committees:

INTERIM COMMITTEE APPOINTMENTS
STATUTORY AND SELECT

ACTUARY, OFFICE OF, SPECIAL COMMITTEE (under provisions of RCW 44.44.010*SCR 105, 1977): Senators Clarke, Mardesich and Ridder.

ARTS COMMISSION, WASHINGTON STATE (under provisions of RCW 43.46.020): Senator McDermott.

BUDGET COMMITTEE, LEGISLATIVE (under provisions of RCW 44.28-.010): Senators Bluechel, Clarke, Donohue, Grant, Newschwander, Odegaard, Scott and Woody.

(COLUMBIA) INTERSTATE COMPACT COMMISSION (under provisions of RCW 43.57.010): Senators Henry and Matson.

CRIME (ORGANIZED) INTELLIGENCE ADVISORY BOARD (under provisions of RCW 43.43.858): Senators Clarke, Francis, Matson and Washington.

EDUCATION COMMISSION OF THE STATES (under provisions of RCW 28A.92.020): Senator Ridder.

ENERGY AND UTILITIES, JOINT COMMITTEE ON (under provisions of SHB 928): Senators Bausch, Bottiger, Hayner and Lewis.

ETHICS COMMITTEE, LEGISLATIVE BOARDS (under provisions of RCW 44.60.020): Senators Goltz, Newschwander, Sellar and Wilson.

FACILITIES AND OPERATIONS COMMITTEE (under provisions of SFR 1975-154—SFR 1977-118): Senators Clarke, Matson, Newschwander, Odegaard, Peterson, Talley and Walgren.

FISHERIES COMMITTEE, TRI-STATE LEGISLATIVE (under provisions of HCR 2): Senator Peterson.

GAMBLING COMMISSION, WASHINGTON STATE (under provisions of RCW 9.46.040): Senators Van Hollebeke and Wanamaker.

INSURANCE BOARD, STATE EMPLOYEES (under provisions of RCW 41.05.020): Senator Wojahn.

INSURANCE PLAN REVIEW COMMITTEE, STATE EMPLOYEE (under provisions of SFR 1977-97): Senators Gaspard, Grant, Jones, Mardesich and Rasmussen.

JUDICIAL COUNCIL (under provisions of RCW 2.52.010—SB 3004, Chapter 112, Laws of 1977 EX): Senators Clarke, Francis and Van Hollebeke.

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE (under provisions of ESHB 660): Senators Donohue, Jones, Newschwander and Rasmussen.

MUNICIPAL RESEARCH COUNCIL (under provisions of RCW 43.110-.010): Senators Fleming, Lewis, North and Walgren.

NURSING HOME FISCAL AUDIT, SELECT COMMITTEE (under provisions of SFR 1977-10): Senators Buffington, Day, Fleming, Herr, Jones, McDermott, Morrison and North.

OCEANOGRAPHIC COMMISSION OF WASHINGTON (under provisions of RCW 43.94.020): Senators Murray, Rasmussen and Talley.

STATUTE LAW COMMITTEE (under provisions of RCW 1.08.001): Senators Clarke and Francis.

(SUNSET) COMMITTEES OF REFERENCE (under provisions of SHB 564): Senators Day, Gould, Matson, Monohon and Wilson.

TRADE FAIRS, ADVISORY COUNCIL ON INTERNATIONAL (under provisions of RCW 43.31.080): Senators Donohue and Lewis.

TRANSPORTATION COMMITTEE, LEGISLATION (under provisions of RCW 44.40.010): Senators Beck, Benitz, Guess, Henry, Keefe, Peterson, von Reichbauer, Sellar, Talley, Walgren and Wanamaker.

WASHINGTON/BRITISH COLUMBIA GOVERNMENTAL COOPERATION, JOINT COMMITTEE (under provisions of SCR 101): Senators Clarke, Goltz and Wilson.

WOMEN'S COMMISSION, WASHINGTON STATE (under provisions of 2SSHB 449, Chapter 289, Laws of 1977 EX): Senators North and Wojahn.

MOTION

On motion of Senator Walgren, the appointments were confirmed.

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 604, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 604.

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3110, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 21, 1977.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3110, as amended by the House, adopting the 1977-79 capital budget, have had the same under consideration, and that the bill be amended as recommended by the Conference Committee:

Signed by: Senators Mardesich, Walgren and Scott; Representatives Polk, Warnke and McKibbin.

MOTION

On motion of Senator Donohue, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3110 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3110, as amended by the Free Conference Committee.

Debate ensued.

POINT OF INQUIRY

Senator Bausch: "Would Senator Scott yield? Senator Scott, inasmuch as the most of us have just received a copy of this capital budget about an hour ago, and I realize the committee did a lot of hard work, but they have also kept it basically from the rest of us for quite some time. I am a little disturbed about that. I am disturbed about a lot of things in this budget, and I am going to vote against it, but one thing I would like to know is, what is the rationale, as you explain, of cutting off maxi-prisons and taking hardened criminals out of Walla Walla, and putting them out somewhere in this state, we know not where yet because we had no right for a decision in that, and leaving the minimal prisons for prisoners at Walla Walla?"

Senator Scott: "Senator Bausch, the department of social and health services has been working on this concept for over four years now, and they have gone so far as to make environmental impact statements on various optional sites, and the best sites in the state for this kind of an institution have been pinpointed. The professionals in the field have testified before ways and means committee that when you put a maxi-prison on the site of another institution, for instance, Walla Walla, that when there is tension or when there is an uprising, it is transmitted from one institution to the other. The people that are running one institution through the con grapevine manage to communicate their plans into the other institution.

"This is not to say that we made a mistake at Monroe. It is to say that if they had their 'druthers' they would rather make these institutions separate.

"Secondly, I believe that it was Bobby Rhay said earlier in the session that it was fifteen percent of the prisoners at Walla Walla that created ninety percent of the difficulty. If we can isolate out those fifteen that are the most hardened individuals that cause most of the trouble, that teach the rest of the population more bad habits, then perhaps this is a technique that we should be embarking on.

"You know that we have a rate in our prisons now, a recidivism rate of sixty-six percent, and that tells us that we have got to try something different or face mounting costs. It costs us an average of eleven thousand dollars a year now for every individual that is in Walla Walla, and this is the best method that has been discovered to date, the best alternative to date to try and make an improvement on that record."

Senators Beck, Peterson and Walgren demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3110, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3110, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; nays, 11; absent or not voting, 3; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Day, Donohue, Francis, Goltz, Henry, Keefe, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wojahn—30.

Voting nay: Senators Bausch, Gaspard, Guess, Herr, Jones, Lewis, North, Pullen, Rasmussen, Van Hollebeke, Wilson—11.

Absent or not voting: Senators Bottiger, Grant, Woody—3.

Excused: Senators Buffington, Fleming, Gould, Hayner, Mardesich—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3110, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3110.

MESSAGE FROM THE HOUSE

June 19, 1977.

Mr. President: The House has adopted the report of the Conference Committee on HOUSE CONCURRENT RESOLUTION NO. 32, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

June 19, 1977

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred House Concurrent Resolution No. 32, adopting joint rules for the Forty-fifth Legislature, have had the same under consideration, and that the resolution be amended as recommended by the Conference Committee.

Signed by: Senators Walgren, Clarke and Marsh; Representatives King and Berentson.

MOTIONS

On motion of Senator Marsh, the report of the Free Conference Committee on House Concurrent Resolution No. 32, as amended by the Free Conference Committee, was adopted.

MOTION

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

MOTION

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

SENATE RESOLUTION 1977—115

By Senators Benitz, Odegaard, Henry and Scott:

WHEREAS, With the enactment of Chapter 222, Laws of 1969 1st ex. sess., the Legislature created a program of state grants to needy students in "institutions of higher education" within this state; and

WHEREAS, With the enactment of Chapter 222, Laws of 1969 1st ex. sess., the Legislature created a program of state grants to needy students in "institutions of higher education" within this state; and

WHEREAS, In so doing a declaration of purpose was adopted which states, in part, that "The Legislature hereby declares that it regards the higher education of its qualified domiciliaries to be a public purpose of great importance to the welfare and security of this state and nation; and further declares that the establishment of a student financial aid program, assisting financially needy or disadvantaged students in this state to be a desirable and economical method of furthering this purpose. . ."; and

WHEREAS, Changes have occurred since 1969 in the educational patterns of students and educational programs of higher education, reflected in part by the emergence of the term "postsecondary education", which suggests that a reexamination should be made of the definitions in RCW 28B.10.802 that are employed for the purposes of this grant program; and

WHEREAS, The administration of this program of state grants was vested in the Commission on Higher Education, whose functions were subsequently incorporated into the Council on Postsecondary Education;

NOW, THEREFORE, BE IT RESOLVED, That the Council on Postsecondary Education be directed to:

(1) Consider, in light of its experiences in administering the State Need Grant Program, whether definitions contained under RCW 28B.10.802 should be amended to reflect current circumstances and terminology, particularly in light of federal regulations governing the Federal-State Student Incentive Grant funds; and

(2) Give particular consideration to the desirability of providing equitable access to the State Need Grant Program to students attending non-public postsecondary institutions not now eligible; and

BE IT FURTHER RESOLVED, That the Council for Postsecondary Education report its findings to the Committee on Higher Education of the Senate on or before December 1, 1977, with its recommendations for appropriate legislation.

PERSONAL PRIVILEGE

Senator Francis: "Mr. President, I just want to let you and the members know that it does me a great deal of good personally to see the presiding officer looking so cool and crisp on this long, hot day that we have been through today."

MOTION

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committee on Rules:

1977-114 Study, impacted not covered by EFSEC

1977-116 Study, Senate Bills 2861, 2871, 2919, handicapped persons.

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

MESSAGES FROM THE HOUSE

June 21, 1977.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 3110, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 2235,
 SENATE BILL NO. 2242,
 SENATE BILL NO. 2272,
 SUBSTITUTE SENATE BILL NO. 2274,
 SENATE BILL NO. 2277,
 SENATE BILL NO. 2839,
 SENATE CONCURRENT RESOLUTION NO. 123, and the same are here-
 with transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has passed: SENATE CONCURRENT RESOLU-
 TION NO. 124, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has adopted:
 HOUSE CONCURRENT RESOLUTION NO. 33,
 HOUSE CONCURRENT RESOLUTION NO. 35, and the same are herewith
 transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE CONCURRENT RESOLUTION NO. 124.

MESSAGE FROM THE HOUSE

June 21, 1977.

Mr. President: The Speaker has signed: SENATE CONCURRENT
 RESOLUTION NO. 124, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 35, by Representatives King
 and Berentson:

Returning all bills to house of origin.

MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent
 Resolution No. 35 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Concurrent
 Resolution No. 35 was advanced to third reading, the second reading considered the
 third and the resolution was adopted.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 33, by Representatives King and Berentson:

Creating the Joint Committee on Intergovernmental Relations.

MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 33 was advanced to second reading and read the second time in full.

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

On page 2, line 11, after "committee" insert "with the approval of the senate facilities and operations committee and the house executive rules committee"

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 33, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 33, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 34; absent or not voting 10; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Day, Donohue, Francis, Gaspard, Guess, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Newschwander, Odegaard, Peterson, Pullen, Ridder, Rohrbach, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Wojahn—34.

Absent or not voting: Senators Bausch, Bottiger, Goltz, Grant, Herr, Murray, North, Rasmussen, Wanamaker, Woody—10.

Excused: Senators Buffington, Fleming, Gould, Hayner, Mardesich—5.

HOUSE CONCURRENT RESOLUTION NO. 33, as amended by the Senate, having received the constitutional majority, was declared passed.

CHANGES ANNOUNCED ON STATUTORY AND SELECT COMMITTEES

The President announced the following appointments to Statutory and Select Committees:

Senators Rasmussen and Bluechel were appointed to the Insurance Plan Review Committee, State Employee.

Senator von Reichbauer replaced Senator Rasmussen on the Insurance Plan Review Committee, State Employee.

Senator Jones replaced Senator Clarke on the Special Committee, Office of Actuary.

Senator Benitz replaced Senator Lewis on the Joint Committee on Energy and Utilities.

Senator Bluechel replaced Senator Benitz on the Legislative Transportation Committee.

MOTION

On motion of Senator Walgren, the appointments were confirmed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 777, by Committee on Commerce (originally sponsored by Representatives O'Brien, Warnke, Berentson, Chandler, Gaines,

Valle, Charnley, Thompson, Conner, McCormick, Burns, Bender, Maxie, and Adams):

Authorizing the construction of a cultural arts center in Federal Way.

The Senate resumed consideration of Substitute House Bill No. 777. Earlier today, on motion of Senator Donohue, the bill was placed on second reading.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 777 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 777 and the bill failed to pass the Senate by the following vote: Yeas, 25; nays, 9; absent or not voting, 10; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Donohue, Francis, Gaspard, Henry, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Pullen, Ridder, Sellar, Talley, von Reichbauer, Washington, Wilson, Wojahn—25.

Voting nay: Senators Bausch, Goltz, Guess, Peterson, Rasmussen, Rohrbach, Scott, Van Hollebeke, Walgren—9.

Absent or not voting: Senators Bottiger, Day, Grant, Herr, Newschwander, North, Odegaard, Sandison, Wanamaker, Woody—10.

Excused: Senators Bullington, Fleming, Gould, Hayner, Mardesich—5.

SUBSTITUTE HOUSE BILL NO. 777, having failed to receive the constitutional sixty percent majority, was declared lost.

MOTION

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

MOTION

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

SENATE RESOLUTION 1977-118

By Senators Odegaard, Walgren and Matson:

WHEREAS, The First Extraordinary Session of the Forty-fifth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the First Extraordinary Session of the Forty-fifth Legislature and the convening of the next session;

NOW, THEREFORE, BE IT RESOLVED, That the Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute with the President, or the President Pro Tempore, the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That after the close of the session the Secretary of the Senate and the President, or the President Pro Tempore of the Senate, be, and they hereby are, authorized and directed to prepare and execute the necessary vouchers, upon which warrants shall be drawn for the final payment of all expenses incurred after the adjournment of this First Extraordinary Session of the Forty-fifth Legislature in closing the business of such session, in providing for the interim period between the closing of such session and the convening of the next regular or special session of the Legislature and in the preparation for such convening; and

BE IT FURTHER RESOLVED, That all accounts payable incurred up to and including this date, covering Senate expenditures made, or obligations incurred, which are payable out of the funds appropriated for the payment of expenses of the Forty-fourth Legislature of the State of Washington, and which are presented for payment after adjournment of the First Extraordinary Session of the Forty-fifth Legislature, before payment is authorized, must bear the approval of the President or the President Pro Tempore of the Senate and the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the State Treasurer be, and he hereby is, directed to draw his warrants for the payment of salaries, per diem, in lieu payments, and reimbursements of and to the members of the Senate, the elected officers of the Senate, and the retained employees each month upon vouchers signed by the members, officers or employees and approved by the President of the Senate, or the President Pro Tempore of the Senate, and by the Secretary of the Senate, and he is authorized to deliver the warrants to the Secretary of the Senate for delivery or mailing to those entitled thereto; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to have a copy of the Senate Journal of the First Extraordinary Session of the Forty-fifth Legislature, together with a suitable index therefor, prepared by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice President Pro Tempore of the Senate, the Senate Majority Floor Leader, the former Senate Majority Floor Leader, the Senate Minority Floor Leader, the former Senate Minority Floor Leader, the Assistant Senate Minority Floor Leader, the Majority and Minority Whips, and Majority and Minority Chairman and Secretaries, the Chairman of the Senate Facilities and Operations Committee, are each authorized to attend the annual meetings of the National Conference of State Legislatures, and to receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to attend the sessions of the National Conference of State Legislatures of the Council of State Governments, and while in attendance upon such conference he shall be allowed compensation at his regular per diem rate together with actual expenses, to be paid on his voucher out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate collect the keys to the desks and rooms in and surrounding the Senate Chamber, committee rooms, work rooms, lounges, distribution center, bill room, storage rooms and the Sergeant at Arms office, and all other rooms in and adjacent to the Senate Chamber, except the Lieutenant Governor's offices, together with the east and west portions of the first floor of the Legislative Building; the first and fourth floor of the

Public Lands Building, and the first and second floor of the Institutions Building be placed in the custody, care and control of the Senate Facilities and Operations Committee and the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Sergeant at Arms be, and he hereby is, directed to see that the Senate Chambers and adjoining rooms, furniture and equipment are clean and in good order; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the chamber rooms for a Y.M.C.A. Youth Legislature and the Governor's Safety Conference is permitted upon such terms as the Secretary shall deem proper.

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

MESSAGES FROM THE HOUSE

June 21, 1977.

Mr. President: The House has adopted the report of the Free Conference Committee on HOUSE CONCURRENT RESOLUTION NO. 32, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has passed: SECOND SUBSTITUTE SENATE BILL NO. 3097, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: HOUSE BILL NO. 623, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 623.

MOTION

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, June 21, 1977.

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

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

Gordon Sandison, appointed June 22, 1977, for a term ending at the pleasure of the Governor succeeding Donald Moos as Director of the Department of Fisheries.

Sincerely,
DIXY LEE RAY
Governor.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 135, Senator Gordon Sandison as Director of the Department of Fisheries.

Senator Walgren moved the appointment of Senator Gordon Sandison as Director of the Department of Fisheries be confirmed.

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and members of the Senate, I think it is very appropriate that we on this last legislative day, which I suspect is what, the 164th day now, 163rd legislative day, that we are considering the confirmation of a person who has served so long and well as a member of the legislature.

"Certainly nothing that I can say can begin to point out the great capabilities that Senator Sandison takes with him from this body to this very difficult job that he is about ready to assume, that of director. I can only say that it is most appropriate that as almost the last act of this legislative session that we will have the opportunity of casting a unanimous ballot as the roll is called to send Senator Sandison on, and with a wish of success, not only for him but for us and for the people of the state of Washington."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I want to join in moving the confirmation. I have had the pleasure of knowing Senator Sandison in a business way as well as on the Senate floor and also socially for many, many years. He didn't very often have too much to say, but the performance in the various capacities that he has served the Senate in his quiet, unassuming way will be very sorely missed on both sides of the aisle. We, on our side, have always felt that everything he did was with the utmost consideration and fairness, and we wish him well in his new endeavor."

REMARKS BY SENATOR PETERSON

Senator Peterson: "Mr. President, just closing, I would like to say that Sandy has served on my natural resources committee for the last thirteen years, and I have taught him a lot about fish, and I think he will do a good job."

REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President and members of the Senate, speaking against the motion to confirm, this Senate needs Senator Sandison and I don't think we should give him up easily."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I concur in all of the remarks made about Senator Sandison, but I wonder where he is. Is he down at Ilwaco helping out on the fish blockade or—then having Senator Peterson, whose confirmation never came before our committee, but we should at least have the Senator here to look at him while we confirm him, look him right in the eye, and then we will know whether he has got the fish eye or not. I think he will do an excellent job."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Mr. President, I must say that I have worked with Senator Sandison here for five years, and I know of his level of work and his level of integrity, his level of intelligence, and by golly, I am voting for him anyway."

REMARKS BY SENATOR TALLEY

Senator Talley: "I think this body ought to take about five minutes of silent prayer for him. He is going to need it."

REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "Mr. President, speaking from the other side of the aisle, I worked with Sandy for four or five years on the facilities committee and employment committee, and looking at the new members, it is going to be pretty tough to fill Sandy's shoes. One thing I have liked about old Sandy, you know, he is a fisherman, a sportsman. He loves football games, and that is one of my great pasttimes, and they will have to look from the years over there and keep looking for Sandy to see what is going on around here, but I think on your side of the floor you are losing a great Senator and I am looking forward to seeing who is going to replace Sandy in his seat also, but I would like to congratulate Sandy in his appointment although he is not here tonight. We are going to miss him, but I am sure he will be around here when it comes to appropriations in the ways and means committee, and maybe we can get even with him for some of the things he turned us down the path, but good luck, Sandy, wherever you are tonight."

The motion by Senator Walgren carried and the appointment of Gordon Sandison as Director of the Department of Fisheries was confirmed.

APPOINTMENT OF GORDON SANDISON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent or not voting, 7; excused, 5.

Voting yea: Senators Bausch, Beck, Benitz, Bluechel, Clarke, Day, Donohue, Francis, Gaspard, Goltz, Guess, Henry, Herr, Jones, Keefe, Lewis, Marsh, Matson, McDermott, Monohon, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Rohrbach, Scott, Sellar, Talley, Van Hollebeke, Walgren, Washington, Wilson, Wojahn—37.

Absent or not voting: Senators Bottiger, Grant, North, Sandison, von Reichbauer, Wanamaker, Woody—7.

Excused: Senators Buffington, Fleming, Gould, Hayner, Mardesich—5.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Walgren, Odegaard, Newschwander and Clarke to escort the Honorable Gordon Sandison to the rostrum.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen, this is a moment of really deep and mixed emotions. I am sure that everyone feels the same as I do, namely that we are very, very happy for Senator Sandison and also very, very sad that he is departing from the Senate, but I am sure that one thing will meet with unanimous approval, and that is that we all wish him Godspeed, Senator Gordon Sandison."

REMARKS BY SENATOR SANDISON

Senator Sandison: "Governor Cherberg, members of the Senate, Senate employees, members of the House, House employees and ladies and gentlemen, I first want to thank the Senate for confirming me. At times you always have doubts, and particularly the way some of the speeches started.

"It is going to be tough to leave this place. Twenty-eight years is a long time to serve, to be with people, and I think I have said before they are probably closer to you than anyone other than your own family because we spend more hours together arguing, agreeing, a lot of other things.

"We are now ending another session, and I know that once you walk out of here it is never the same. The alumni have told me that. I came here in 1949, very bewildered, trying to find out what was going on, and I am still trying to figure it out some days. But one thing that I am sure of, no matter how complicated government gets, no matter how tough the problems are, that the institutions that we have, the House, the Senate and the office of Governor downstairs to keep check, is a good one. I think that we take lumps when we don't deserve them. We take lumps when we do deserve them. I think that sometimes we think the whole world is watching us when no one is really watching us, and then sometimes we do something where no one should be paying attention, and it makes the headlines. It is a peculiar system. I don't know how long a person stays in this place so he really understands that it is a good institution, that the legislature is still the closest thing to the people that you can find, and that anyone who serves in it at least should say to himself, 'I have been awarded a great honor.' Thank you and good luck."

REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Senator Sandison. Well, Sandy, we hate to see you go, but we know you are going to succeed one thousand percent. Good luck."

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

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 3097.

MESSAGES FROM THE HOUSE

June 21, 1977.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 35, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 32, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The House has concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 33, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: HOUSE CONCURRENT RESOLUTION NO. 33, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

PERSONAL PRIVILEGE

Senator Walgren: "Mr. President and members of the Senate, point of personal privilege. Mr. President and members of the Senate, just a brief note with regard to the legislative session that we are now just completing, it of course, is historic in that it is the longest legislative session that I guess we have had, but I think that every member who has served in this body, and I am sure that the same is true of those members who have served in the House during this session, feel that it is a session of great accomplishment.

"I said earlier that the session should not be judged by its length, but rather what the ledger had to say after it was completed, and I think that we can look to the ledger of this legislative session and truly be proud of the accomplishments that this session has obtained. Many of us were on different sides as legislation was proceeding, but I think that every person who spoke and who argued and who met in conference was sincere in his or her beliefs. Of course, I could go down the list of every member of this Senate, and point out their own particular accomplishments and their contributions to this successful session. I think any one of you could just look at the legislation that has been passed and note that we have, of course, achieved pension reform after much difficulty and much argument. Certainly the members who worked on that should be proud.

"Finally, Senator Henry, after all these years, a department of transportation was created, and I think that is an accomplishment.

"Senator McDermott, and to all of those who worked on the education matters, probably this is the most difficult task we had before us this session of trying to make a definition of basic education, and to work on a levy lid, and of course, this was accomplished.

"The budget, that the members of the ways and means committee so very competently handled, I think is a good one, and of course, even though we have had some debate about oil port siting and energy siting, we accomplished that also here in this legislature.

"So all of these things could be counted up, and I think I counted about twenty-nine that in any single legislative session would have individually been a tremendous accomplishment. I just wanted to say to all of you that I personally appreciated the work that you have done during the session, and I think that the people of this state will appreciate it too."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. I concur in the remarks of Senator Walgren as to the accomplishments of the session, and I think every Senator here contributed very substantially to those accomplishments. I also want to compliment the majority leader and the rest of you people on the other side of the aisle on the cooperation, and I think that this session has seen less of what you might term 'partisan backbiting' than any other session.

"My only suggestion, as it were, would be that I think all of us are rather aware of the fact that these accomplishments could, in reality, have been fulfilled in about half of the time that we spent down here. Unfortunately, it is human nature that people do not meet the grave issues until they are more or less forced to do so by a deadline, and if we were not approaching the end of the biennium, it might well have taken us a considerably longer time to face up to these issues.

"The Senate on three different occasions has sent over to the House a proposed constitutional amendment to establish limitations on these sessions. I still feel that it is the—that the Senate is very wise in doing this, and that it is to be hoped that at some time we will get an amendment so that reasonable deadlines will be set, and we can perform these very substantial accomplishments in a much shorter time, and I think our public image will be much better when this comes to pass."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I would like to thank the President for his unflinching kindness to all of us when we stumbled and fumbled on the floor. The President's good nature pulled us out of many a hole, and we appreciate all of the hard work that you have done during the session. I know it was hard on the rest of us out here, just sitting here wondering what was going to happen next. It must have been doubly hard on the President who is supposed to keep a little order out here in front of him.

"Then, too, I would like to say that in days past, we always closed the session—Al well remembers that, and Gordy—with resolutions praising the press. We have kind of forgotten that of late, but I wanted to say that I think that the press this time has probably taken a more moderate approach, and have been more helpful. Their attacks were not nearly as bitter as they have been, and that they realize that the legislature was trying to do something, and so in the absence of a thank you resolution, I would just say 'thank you' to the press for taking a good, responsible approach to the state's business, and again, thank you, Mr. President."

REMARKS BY THE PRESIDENT

President Cherberg: "Well, thank you very much, Slim, and I should like also to thank every member of the Senate for your many courtesies, and especially for your persevering patience with the President, and I believe also, that we should be very happy and proud that we have a man like Sid Snyder heading up the staff. I think without a doubt that Sid has to be the finest secretary of any Senate in the land, and his incomparable staff here. The incomparable staff that Sid has assembled here in the Senate, and especially those, and those in the back room, too, who have done so much good work. Chief Leatherlungs, who has never at any time failed to come through with flying colors in some very, very trying moments; our very friendly Bill Gleason, who does a grand job also; Dorothy Greeley, who is always on the ball and doing everything possible; Elmo Fadling, over here, who is ever faithful too, and of course, the Liberace of the keyboard, Orlando Francisco Scarpelli, who sometimes falls asleep at the switch, but eventually comes through; and of course, Charlie Johnson, with his excellent staff who do so much also to help keep us in order, and then we should never forget Harry Nelson and his beautiful crew who, after we have messed up the place quite a bit, every morning without fail, we are greeted with nice, clean quarters.

"I think all of these people really deserve a standing ovation. There is one other gang that has done yeoman work for every member of the Senate and for the President, and that is Jim Kneeland and his ever faithful and very capable drivers. Jim, how about standing up with any of your crew. Well, there is one thing that can be said about Carrie and Maxine, and that is that they have really added a great deal of avoirdupois to the Senate. To those of you who may not understand, that is a lot of weight."

REMARKS BY SENATOR DONOHUE

Senator Donohue: "I would like to publicly state that I think the Senate as it relates to the ways and means committee and to the staff, have one of the finest

staffs of any state that I can think of. I think that many of you, many of you, and nearly all of you have become acquainted with the expertise and the consideration and the hard work that the members of the ways and means committee staff, under the direction of Lyle Jacobson, have achieved this year. I think that they are great, and I love them all, and I want to say that publicly."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, Senator Donohue beat me to it. Having served as vice chairman the last several years with Senator Donohue, I have really appreciated the great staff that we have had to work with. I know George Scott, too, has learned to appreciate the staff of ways and means and many members of the Senate have pointed out that they have appreciated the cooperation and information from our staff members. It was one of the hardest decisions for me when the opportunity to be higher ed chairman came up, because I knew I would have to eventually give up vice chairman of ways and means, was to think about the staff you would lose, because once you move out of that into another office and away from those offices, you just don't have that contact with them as I have had now in the past, and also with the chairman, Senator Donohue. We had a good working relationship and we had a great friendship which we will continue, and I wish him the best in the future as I leave that position as vice chairman of ways and means, then, to Senator McDermott, the new vice chairman. I know they will make a good team, and will work well with the staff in the future."

REMARKS BY THE PRESIDENT

President Cherberg: "Thank you, Senator Odegaard. One of the most important factors about serving in the Senate is the assurance and comfort that we had from the fact that we had some very excellent people on our security staff under the direction of a former flatfoot from Seattle named Tom Stone. If Tom is around, I hope that he is listening. He did a grand job for us. The hostesses under Muriel Little have also done a great deal for us, and the hostesses in the galleries have done a marvelous job in maintaining order and decorum in those important sectors, and I am sure we are all aware that this place couldn't operate if we didn't have such a splendid staff of pages.

"I believe the members are certainly to be congratulated for their many accomplishments this session, but one of the many outstanding things that I have noticed is the fine caliber of young people that you have brought to Olympia, and those people who are already in Olympia who serve on the page corps, and without doubt, the highly efficient manner in which these young people have conducted their responsibilities and duties is due to the excellent direction offered by Annie Buck and Mary Alice Voland who, I think, along with all of the other people I have mentioned, certainly deserve the greatest credit.

"I never cease to be amazed at the efficiency and the cooperation of the bill clerks. To keep such a maze of measures in perfect order is to me a truly remarkable accomplishment, and I am sure you will agree."

REMARKS BY SENATOR JONES

Senator Jones: "Mr. President, I thought that maybe there should be some special award for whoever designed the air conditioning in this place, as well."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I was talking with Senator Henry, and he agreed that the Governor and her willingness to compromise that we should both be grateful and

thankful for her willingness to compromise. Senator Henry, of course, realizes most in his efforts to get a transportation committee, and we had a Governor who would not compromise with the legislature. The new Governor, Governor Dixy, with a new staff has succeeded in getting, working with the legislature, one of the most forward programs that have been put forward for many a year, and I would think that we should thank her publicly for her efforts and willingness, a new person, never being in government before and has succeeded in working with Senator Henry, and that is an accomplishment that should be recognized.

"Also that she has worked with the legislature in getting this program through. I thank her, and I know that the rest of you do, too."

REMARKS BY THE PRESIDENT

President Cherberg: "The President believes it was a case of necessity on the part of the Governor, Senator Rasmussen, because if she hadn't cooperated, I think Al would have steam rolled right over her, but on a personal note, I want you members to know, and especially Al, how honored and proud I am to serve with a man like you, Al."

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 2232.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 32,
HOUSE CONCURRENT RESOLUTION NO. 33,
HOUSE CONCURRENT RESOLUTION NO. 35.

MESSAGES FROM THE HOUSE

June 21, 1977.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE SENATE BILL NO. 3097, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: The Speaker has signed: SECOND SUBSTITUTE SENATE BILL NO. 2232, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

June 21, 1977.

Mr. President: Under the provisions of House Concurrent Resolution No. 35, the House herewith returns the following Senate bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2008,
SENATE BILL NO. 2015,
SENATE BILL NO. 2048,
SENATE BILL NO. 2059,
ENGROSSED SENATE BILL NO. 2062,
SENATE BILL NO. 2064,
REENGROSSED SUBSTITUTE SENATE BILL NO. 2112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2115,
SENATE BILL NO. 2116,

REENGROSSED SENATE BILL NO. 2119,
SENATE BILL NO. 2158,
ENGROSSED SENATE BILL NO. 2174,
SUBSTITUTE SENATE BILL NO. 2179,
SUBSTITUTE SENATE BILL NO. 2186,
SENATE BILL NO. 2194,
SENATE BILL NO. 2195,
REENGROSSED SENATE BILL NO. 2207,
ENGROSSED SENATE BILL NO. 2221,
SENATE BILL NO. 2230,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2267,
SENATE BILL NO. 2292,
ENGROSSED SENATE BILL NO. 2293,
SENATE BILL NO. 2294,
ENGROSSED SENATE BILL NO. 2299,
SUBSTITUTE SENATE BILL NO. 2306,
ENGROSSED SENATE BILL NO. 2323,
ENGROSSED SENATE BILL NO. 2327,
SENATE BILL NO. 2328,
SENATE BILL NO. 2331,
ENGROSSED SENATE BILL NO. 2332,
SUBSTITUTE SENATE BILL NO. 2339,
ENGROSSED SENATE BILL NO. 2342,
ENGROSSED SENATE BILL NO. 2359,
SUBSTITUTE SENATE BILL NO. 2373,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2375,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2376,
SUBSTITUTE SENATE BILL NO. 2389,
ENGROSSED SENATE BILL NO. 2422,
ENGROSSED SENATE BILL NO. 2462,
SENATE BILL NO. 2465,
SUBSTITUTE SENATE BILL NO. 2506,
ENGROSSED SENATE BILL NO. 2554,
REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2632,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2697,
SUBSTITUTE SENATE BILL NO. 2702,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2744,
SUBSTITUTE SENATE BILL NO. 2809,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2840,
SUBSTITUTE SENATE BILL NO. 2906,
SENATE BILL NO. 2933,
SENATE BILL NO. 2936,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2949,
SENATE BILL NO. 2951,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2952,
SUBSTITUTE SENATE BILL NO. 2958,
ENGROSSED SENATE BILL NO. 3014,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3027,
ENGROSSED SENATE BILL NO. 3039,
SUBSTITUTE SENATE BILL NO. 3047,
SENATE BILL NO. 3048,
SUBSTITUTE SENATE BILL NO. 3051,
SUBSTITUTE SENATE BILL NO. 3053,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3066,
SUBSTITUTE SENATE BILL NO. 3080,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 102,
ENGROSSED SENATE JOINT MEMORIAL NO. 103,
SENATE JOINT MEMORIAL NO. 111,
REENGROSSED SENATE JOINT RESOLUTION NO. 104,
SENATE JOINT RESOLUTION NO. 108,
SENATE JOINT RESOLUTION NO. 109,
SENATE JOINT RESOLUTION NO. 124,
SENATE CONCURRENT RESOLUTION NO. 122, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

STATEMENT FOR JOURNAL
ON SUBSTITUTE SENATE BILL NO. 2697

The Senate refused to concur in the House amendments, and adhered to its position and asked the House to recede from its amendments and returned the bill to the House on May 13, 1977.

On May 19, 1977 the House refused to recede from its amendments and asked the Senate for a Conference thereon. They appointed a Conference Committee and notified the Senate of such action but did not transmit the bill to the Senate.

On June 14, 1977 the Senate refused to grant a Conference and concurred in the House amendments and passed a duplicate to the original bill.

The Senate maintained that this was possible even though the House had not returned the original bill to the Senate with their last message, because all rules of parliamentary law work toward positive action that will bring agreement between the two Houses.

Substitute Senate Bill No. 2697 was sent to the Governor's Office without the Speaker's signature. His reasons for not signing the bill are obvious, but the Senate does not believe a presiding officer of either House can prohibit a bill that has passed both Houses from being delivered to the Governor because he or she has not signed the measure.

Sincerely,
SID SNYDER
Secretary of the Senate.

MESSAGE FROM THE HOUSE

June 21, 1977.

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

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 36, by Representatives King and Berentson:

Appointing a committee to notify the governor the legislature is ready to adjourn SINE DIE.

MOTIONS

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

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

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 36, President Cherberg appointed Senators Walgren, Sandison and Matson as a committee of three from the Senate to join a like committee from the House of Representatives to notify the Governor that the Legislature was about to adjourn SINE DIE.

MOTION

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

MOTION

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

SENATE RESOLUTION 1977-117

By Senators Walgren, Odegaard, Matson and Newschwander:

BE IT RESOLVED, That a committee of three members of the Senate be appointed to notify the House that the Senate is ready to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1977-117, the President appointed Senators Rasmussen, Lewis and Wojahn to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

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

COMMITTEE FROM THE HOUSE NOTIFYING SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House of Representatives. The committee, comprised of Representatives Bauer, North and Patterson appeared before the bar of the Senate to notify the Senate that the House of Representatives was about to adjourn SINE DIE.

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

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

MESSAGE FROM THE HOUSE

June 21, 1977.

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

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 36.

REPORT OF SPECIAL COMMITTEE APPOINTED
TO NOTIFY HOUSE OF REPRESENTATIVES
OF ADJOURNMENT SINE DIE

The Senate members of the special committee appointed under the provisions of Senate Resolution 1977-117 comprised of Senators Rasmussen, Lewis and Wojahn to notify the House of Representatives that the Senate was ready to adjourn SINE DIE reported that the House of Representatives had been notified.

The report was received and the committee was discharged.

REMARKS BY SENATOR HENRY

Senator Henry: "I might tell you that while this is supposed to be the longest session in the Washington state history, the legislatures in Oregon, California and Arizona that I am aware of, are still grinding away."

REPORT OF SPECIAL COMMITTEE
APPOINTED TO NOTIFY THE GOVERNOR
OF ADJOURNMENT SINE DIE

The Senate members of the special committee appointed under provisions of House Concurrent Resolution No. 36, composed of Senators Walgren, Sandison and Matson to notify the Governor, together with a like committee from the House of Representatives, that the Legislature was about to adjourn SINE DIE, appeared before the bar of the Senate and reported that the Governor had been notified.

The report was received and the committee was discharged.

President Pro Tempore Henry assumed the Chair.

MOTIONS

On motion of Senator Walgren, all bills returned from the House of Representatives were referred to the Committee on Rules.

On motion of Senator Walgren, the Senate Journal of the One Hundred Third Day, Forty-fifth Legislature, First Extraordinary Session, was approved.

At 2:26 a.m., on motion of Senator Sandison, the Senate of the Forth-fifth Legislature, First Extraordinary Session, adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**GOVERNOR'S MESSAGES ON SENATE BILLS
VETOED AND PARTIALLY VETOED**

—1977—

**FORTY-FIFTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

Office of the Governor, June 30, 1977.

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

I am returning herewith without my approval as to one section, SENATE BILL NO. 2042 entitled:

"An Act relating to pilotage."

Senate Bill No. 2042 is a most desired piece of legislation making significant improvements in the area of marine pilotage. A part of its provisions, however, relates to the formation of a pilotage commission and grants rule making authority. In view of the fact that the pilotage commission is to be consolidated with the new state department of transportation, whose secretary will be the chairman of the commission, both acts of the Legislature should become effective at the same time. The department of transportation becomes effective on September 21, 1977; thus, I am vetoing Section 19 of Senate Bill No. 2042, the emergency clause, so that these two important measures become law at the same time.

With the exception of section 19 which I have vetoed, the remainder of Senate Bill No. 2042 is approved.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, June 3, 1977.

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

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2082 entitled:

"An Act relating to state government; further identified as the Regulatory Reform Act of 1977."

This bill provides for a method of performance review of state agencies at certain time intervals with the purpose of eliminating or modifying the operations of agencies reviewed.

I am initially concerned that this bill is totally lacking in executive participation or involvement. Legislation of this proposed magnitude suggesting a phaseout of state agencies and reduction in the state bureaucracy is meritorious and I generally subscribe to such purpose. It is my judgment, however, that the executive branch

must be not only consulted, but be a part of any attempt to reorganize state government.

I am compelled to veto this bill for other significant reasons. This version of the "Sunset Laws" presented in Substitute Senate Bill No. 2082 does not provide the resources to make a credible review of an agency's performance. Without adequate resources, this review process would add an additional bureaucratic layer to government operations which is contrary to the intent of the act. Moreover, the additional bureaucracy would be added to the Legislative branch of government since this bill requires the Legislative Budget Committee to conduct the review. Neither the bill, nor the fiscal note filed by the Legislative Budget Committee provides any resources to accomplish this task. The range of issues and associated analysis that the bill would require the Legislative Budget Committee to look into could not be considered thorough or sufficient if done by current staff. If meaningful regulatory reform is to occur, it follows that detailed analysis be performed upon which to make accurate decisions. The key to regulatory reform lies with the quality of the analysis and must involve the Executive branch.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2082.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, June 3, 1977.

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

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2107 entitled:

"An Act relating to the state building code."

This bill would allow occupancy loads in the drinking area of a drinking or dining establishment to be modified based on the number of exits in that area.

Although the language of the bill does not precisely say so, it is clear that based on the number of exits rather than the amount of square feet in a drinking area, more people will be permitted in a drinking area than is currently authorized by the building code. In effect, this bill would change the formula of 15 square feet for each person to something less. Conceivably, it might even halve that number.

In my opinion, this bill would legalize overcrowding in areas in which space is already severely limited and in which tables and chairs are so placed that every available square inch is used. To authorize exceeding those limits now regarded as safe, especially in view of the recent Southgate fire in Kentucky, requires far more justification than is provided by this bill.

For the foregoing reason, I have determined to veto Substitute Senate Bill No. 2107.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, June 6, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith, without my approval as to one section, SUBSTITUTE SENATE BILL NO. 2113 entitled:

"An Act relating to institutions of higher education; creating new sections; and adding new sections to Chapter 223, Laws of 1969 Extraordinary Session, and to Chapter 28B.15 RCW."

Section 2 of the bill restricts the resident tuition and fee classification to non-immigrant aliens and dependents who are nationals of countries having comparable public institutions of higher education and extending the same resident tuition and fee policy to residents of the State of Washington who attend institutions of higher education in such countries. This would effectively require institutions in the State of Washington to first determine comparability and then ascertain by surveying Washington State citizens or institutions in affected foreign countries the tuition and fee rates charged to our citizens. This poses numerous measurement problems in determining comparability of foreign educational systems with our state educational system and unnecessarily increases the administrative workload associated with the enrolling and granting of residency status to the affected nonimmigrant alien.

Section 2 of the bill is also considered to be inconsistent with legislative intent as stipulated in Section 3. The main reason for extending residency status to this select group of nonimmigrant aliens and dependents is because they are viable members of the community, pay taxes, and contribute to the economic, social and cultural welfare of this state. It seems inappropriate and inconsistent to link that level of state contribution and involvement in community affairs to the higher educational system and tuition and fee policies of that person's country.

With the exception of Section 2, which I have vetoed, the remainder of Substitute Senate Bill No. 2113 is approved.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, March 30, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith, without my approval of one section, SENATE BILL NO. 2133 entitled:

"An Act relating to state government reports and publications."

The specific section I have vetoed is New Section 35 at page 40, lines 15 through 25, which requires each state and local agency to purge its mailing lists each year of all persons not responding positively to inquiries on whether they wish to remain on such lists. The scope of this section is unnecessarily broad, and would, for example, require some agencies which mail valuable but unsolicited information to large segments of the population to curtail such activities. In many cases such mailings are required by law. Furthermore, section 35 would severely restrict the ability of our state institutions of higher learning to regularly solicit donations from their alumni or to keep their large constituencies informed of continuing educational

opportunities. Even members of the legislature and other state and local elected officials would have to curtail their mailings.

For the reasons stated above, and because I am confident that the legislature will pass appropriate legislation to deal with the problem of unnecessary mailing expenses because of the use of stale mailing lists, I have vetoed section 35 of Senate Bill No. 2133. The remainder of the bill is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, June 3, 1977.

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

I am returning herewith without my approval SENATE BILL NO. 2156 entitled:

"An Act relating to health care professionals."

This bill would allow selected health care professionals to create mutual corporations to provide malpractice insurance in the event the Insurance Commissioner determines that such insurance is not available or is prohibitive in cost.

There is the potential of serious problems with the availability of malpractice insurance. However, the problem does not exist presently, and the Legislature has very recently created measures that should go a long way toward correcting the problem. We should first determine the impact of that legislation before initiation of new bills that only provide the appearance of adequate protection to practitioners in the health care industry and the public.

If health care professionals desire to establish their own insurance companies they can readily do so under the existing statutes which fully protect the public.

For the foregoing reasons, I have determined to veto Senate Bill No. 2156.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, June 6, 1977.

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

I am returning without my approval as to one section SUBSTITUTE SENATE BILL NO. 2197 entitled:

"An Act relating to escrow."

Section 34 of the bill declares an emergency and provides for the act to take effect on June 15, 1977. Under the constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

With the exception of Section 34, which I have vetoed, the remainder of Substitute Senate Bill No. 2197 is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, May 6, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith, without my approval as to one section, SENATE BILL NO. 2325 entitled:

"An Act relating to cities, towns, counties, and other units of local government; adding a new chapter to Title 43 RCW; and declaring an emergency."

Section 8 of the bill declares an emergency and provides for the act to take effect immediately. Under the Constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

In this case, not only is the use of the clause unwarranted by the urgency of the situation, but the use also eliminates the adjustment period that would be helpful for affected units of local government. For these reasons, I have vetoed this section.

With the exception of section 8, which I have vetoed, the remainder of Senate Bill No. 2325 is approved.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, June 3, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 2383 entitled:

"An Act relating to public employment; providing salary surveys; providing for local administration and management by institutions of higher education and related boards; mandating the higher education personnel board to adopt rules for training programs and regular increment pay increases."

Section 15 of the bill declares an emergency and provides for the act to take effect immediately. Under the constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

With the exception of Section 15, which I have vetoed, the remainder of Substitute Senate Bill No. 2383 is approved.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, June 10, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SENATE BILL NO. 2512 entitled:

"An Act relating to state agency housing; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.82 RCW."

This bill is not acceptable for it requires the Department of General Administration to subject all future real estate transactions entered into by the department to the state conservator for review in determining whether historic sites or buildings can be used. It requires the Director of General Administration to justify his failure to utilize such historic considerations.

I see no practical way this procedure could work but can envision much delay, unnecessary expense and severe environmental problems if the bill is allowed to become law. The heavy workload of the Department of General Administration in administering to the acquisition of needed state purchases and leases is already burdensome and in many instances, time is of the essence in such transactions.

The preservation of historic landmarks is laudable and I support such concept; however, SB 2512 would so seriously hamper the operation of the Department of General Administration while, at the same time, any benefit to be achieved by passage of the bill would be negligible, I am constrained to veto the measure.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, June 21, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 2697 entitled:

"An Act relating to revenue and taxation for the common schools; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 4, Laws of 1977 and RCW 84.52.052; amending section 84.52.054, chapter 15, Laws of 1961 as last amended by section 2, chapter 4, Laws of 1977 and RCW 84.52.054; adding new sections to chapter 15, Laws of 1961 and to chapter 84.52 RCW; prescribing an effective date; and declaring an emergency."

Substitute Senate Bill No. 2697, placing a lid on special levies, reached my office on June 15, 1977. The bill, as passed by action of both houses, contained a serious legal defect in that the Speaker of the House had not affixed his signature as required by law. Article II, Section 32 of the Washington State Constitution provides as follows:

"32 Laws, How Signed. No bill shall become law until the same shall have

been signed by the presiding officer of each of the two houses in open session and under such rules as the legislature shall prescribe."

Clearly then, there is a legal cloud over the final passage of the bill.

In addition to this factor, House Bill No. 1086 has passed the legislature and is on my desk. Although this bill does differ from Substitute Senate Bill No. 2697 in its provisions, it appears to have been passed in accord with the constitution and the rules of the respective houses.

For the above reasons, I have determined to veto Substitute Senate Bill No. 2697.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, May 24, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith, without my approval as to several sections, SUBSTITUTE SENATE BILL NO. 2872 entitled:

"An Act relating to social and health services."

In making much needed revisions in the law to eliminate language offensive to certain of our citizens, the legislature has inadvertently made substantial changes in the law relating to marriage by repealing, in sections 17, 18, 19 and 20 of this bill, the basic prohibitions to be set forth by affidavit of persons desiring to marry. These alterations go far beyond the intent of this bill and should be given close attention by the legislature at some future date.

For the foregoing reasons, I have determined to veto sections 17, 18, 19, and 20. With the exception of those sections, I have approved the remainder of Substitute Senate Bill No. 2872.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, July 15, 1977.

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

LADIES AND GENTLEMEN:

In am returning herewith without my approval as to certain sections, ENGROSSED SUBSTITUTE SENATE BILL NO. 2910 entitled:

"An Act relating to energy facility sites."

This bill makes a number of changes to Chapter 80.50 RCW relative to the Energy Facility Site Evaluation Council. Section 1 amends existing legislative intent, as set out in Section 80.50.010 RCW, to require the Council to comply with local land use plans and zoning ordinances, in balancing the broad interests of the public with the increasing demands for energy facility location and operation.

Section 7 amends Section 80.50.090 RCW, relating to public hearings. The amendatory language is basically non-substantive except for the provision that prohibits the Council from recommending site certification if the local legislative authority decides not to change the provisions of its land use plan or zoning ordinance with which the application is inconsistent.

Section 9 amends existing preemption language in Section 80.50.110 RCW to specifically preclude the state from preempting local land use plans and zoning ordinances.

The original Senate Bill No. 2910, an Executive Request bill, contained provisions that required the applicant to ". . . exhaust all reasonable, available methods and remedies to reach agreement with the city and/or county governments before the state [would] consider preemptive action". The purpose of that language was to codify the Council's operating policy established during the Satsop hearings, which policy encouraged the applicant and local governmental authorities to deal with each other at arm's length. I strongly endorse this policy because I believe state government should become involved in these issues, only when there are overriding state concerns that are being handled unreasonable at the local governmental level. The provisions of the three sections mentioned above would shift the balance of power too far in favor of local government, contrary to the established policy.

In keeping with my concern for local determination, I intend to request the Council to adopt and promulgate regulations similar to the language in Senate Bill No. 2910 as originally introduced to ensure that the applicant makes a good faith effort to work with local governmental authorities to resolve disputes. In addition, I will request the Council to develop guidelines for determining when the interests of the state are such as to require preemptive action.

With the exception of Sections 1, 7 and 9 which I have vetoed for the above reasons, the remainder of Engrossed Substitute Senate Bill No. 2910 is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, June 2, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section, SUBSTITUTE SENATE BILL NO. 2924 entitled:

"An Act relating to transportation; creating a department of transportation and prescribing its general structure, personnel, powers, duties, and functions; transferring to the jurisdiction of the department of transportation and/or the secretary of transportation certain powers, duties and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, the planning and community affairs agency, and the canal commission; transferring to the jurisdiction of the secretary of transportation certain powers, duties, and functions of certain state officials, boards, and commissions; providing the procedure for the aforesaid transfers; saving certain rights; abolishing certain state agencies and offices;"

Section 81 of the bill declares an emergency and provides for the act to take effect July 1, 1977. Under the constitution, Article II, Sections 1(b) and 41, the use of an emergency clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

This bill creates a new state agency with great responsibilities. Many provisions of the bill must be carefully studied and will require implementation. In addition, the selection of commissioners and consolidation of other agencies within the

department of transportation will necessitate some time. For these reasons I see no need for the emergency clause and thus have respectfully vetoed the same. With the exception of section 81 which I have vetoed, the remainder of Substitute Senate Bill No. 2924 is approved.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, June 1, 1977.

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

LADIES AND GENTLEMEN:

I am returning to you herewith without my approval as to one section, SUBSTITUTE SENATE BILL NO. 2956, entitled:

"An Act relating to outdoor advertising; and adding a new section to chapter 47.42 RCW; and declaring an emergency."

Section 3 of the bill declares an emergency and provides for the act to take effect immediately. Under the constitution, Article II, Sections 1(b) and 41, the use of an emergency clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

Although the intent of this bill requires compensation to be paid in those situations where signs are removed, there is no true emergency involved. For these reasons, I have vetoed this section.

With the exception of section 3, which I have vetoed, the remainder of Substitute Senate Bill No. 2956 is approved.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, June 21, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SENATE BILL NO. 3015 entitled:

"An Act relating to energy facilities; creating new sections; making an appropriation; and declaring an emergency."

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. Under the constitution, Article II, Sections 1(b) and 41, the use of an emergency clause does two things. First, it alters the time when a particular piece of legislation becomes effective, thereby eliminating what may be a desirable adjustment period for affected persons. Second, it excepts the legislation from the important referendum right reserved by the people. Because of these effects, the use of the clause should be restricted to those instances where the use is clearly warranted due to the urgency of the situation.

With the exception of section 4, which I have vetoed, the remainder of Senate Bill No. 3015 is approved.

Sincerely,
DIXY LEE RAY
Governor.

Office of the Governor, June 10, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 3036 entitled:

"An Act relating to alcoholic beverage control; amending section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011; amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 74, Laws of 1975-'76 2nd ex. sess. and RCW 66.28.010; amending section 1, chapter 245, Laws of 1943 and RCW 66.44.310; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 1, chapter 245, Laws of 1975 1st ex. sess. and RCW 66.24.420."

A careful reading of this bill reveals that section 3 as amended could create problems beyond the intent of the sponsor. The amendment was submitted as a floor amendment and thus did not have the benefit of committee deliberation. Although the purpose of the change was to allow those under 21 years of age to assist in clean-up duties in their parents taverns, in itself not particularly objectionable, the amended section could be interpreted as allowing teenage "coke" parties or other social events in a contrived atmosphere.

Another problem exists involving the ability of the Washington State Liquor Control Board to enforce the statute. It is a valid argument that a tavern operator might be able to take advantage of the law if a minor was found on the premises by quickly suspending sales and claiming no violation.

For these reasons, section 3 of Substitute Senate Bill No. 3036 is vetoed and the remainder of the bill is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, June 30, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE SENATE BILL NO. 3054 entitled:

"An Act relating to revenue and taxation; reenacting and amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 33, Laws of 1975-'76 2nd ex. sess. and RCW 82.04.291; amending section 6, chapter 294, Laws of 1971 2nd ex. sess. as amended by section 91, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.060; and amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 84.33.080."

This bill is an extremely important piece of taxing legislation involving harvested timber. Quite by oversight the legislature failed to incorporate an emergency clause in the bill which would have allowed the bill to take effect immediately and place the administration of the act with the Department of Revenue.

The legislature has corrected the dilemma by passing an identical bill with an emergency clause appended Senate Bill No. 2714. In view of this, I am vetoing Substitute Senate Bill No. 3054 with the intention of signing Senate Bill No. 2714.

Respectfully,
DIXY LEE RAY
Governor.

Office of the Governor, June 30, 1977.

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

I am returning herewith without my approval as to certain sections and items SUBSTITUTE SENATE BILL NO. 3109 entitled:

"An Act adopting the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979; making other appropriations; designating effective dates for certain appropriations; and declaring an emergency."

The specific items and sections which I have vetoed are as follows:

1. FOR THE DEPARTMENT OF PERSONNEL

On page 11, section 25, line 22, I have vetoed the Data Processing Revolving Fund appropriation in the amount of \$2,930,000. A full explanation of the rationale for vetoing this appropriation is set forth in the veto message for Section 27 which follows.

On page 12, Section 27, lines 10 and 11, and subsections (2) through (5), are vetoed.

Appropriation of the Data Processing Revolving fund results in appropriating the same funds twice. This requires maintaining duplicate accounting records, creates unnecessary paper work, and contradicts the function of a revolving fund. Real improvement in fiscal control will not be achieved through this change.

Second, this change to appropriated status does not coincide with the current Data Processing Authority and Service Center organizational lines of responsibility and authority. Without statutory change or revised functional lines of responsibility there is confusion as to who has the final decision-making authority.

Finally, the wording in subsection (5) is unclear as to what is intended by an integrated management and budget plan for Service Centers #1 and #3. If the intent is to integrate Services Centers #1 and #3 then there is a contradiction in the direction of Washington State Data Processing.

Because of the reasons cited above, and the apparent need for further study, the Data Processing Revolving Fund should remain as it currently exists.

2. FOR THE FINANCE COMMITTEE

In section 28, on page 13, I have vetoed subsection (1) which gives the Finance Committee "full responsibility for the investment management of the state trust and retirement funds."

This change in responsibility for investment management is in direct conflict with House Bill No. 619 which I recently signed. House Bill No. 619 provides the Department of Retirement Systems and the Finance Committee with joint investment authority subject to approval by the retirement boards.

Second, the proviso language does not describe a "condition or limitation" on the Finance Committee's appropriation as was intended, but rather, constitutes a major shift in responsibility from one executive agency to another.

3. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

On page 42, Section 64, I have vetoed subsection (2) appropriating federal Law Enforcement Assistant Administration (LEAA) funds to specific agency projects. Although I agree that the criminal justice projects identified in this section are worthwhile, this legislative appropriation contradicts projects selected through the federally mandated planning process. Violation of the state plan would result in the loss of \$18 million of federal funds.

4. FOR THE STATE ENERGY OFFICE

On page 45, Section 72, I have vetoed: "The appropriation contained in this section shall be subject to the following condition or limitation: Not more than \$500,000 of this appropriation shall be used as matching funds for energy-related studies as determined by the House and Senate Energy and Utilities Committees."

The Legislature apparently contemplated providing an additional \$500,000 to the Energy Office for energy related studies. However, the final amount appropriated to the Energy Office does not include the additional \$500,000. Therefore, since the funds referenced in this proviso are not included in the final appropriation, I am vetoing this item. I will direct the Energy Office to work closely with the House and Senate Energy and Utilities Committees on all energy related studies during the next biennium.

5. FOR THE DEPARTMENT OF AGRICULTURE

On page 54, Section 86, I have vetoed subsection (2): "\$150,000 of the general fund appropriation—state shall be expended within the seed branch division for the purpose of maintaining seed certification activities."

I am vetoing this subsection because I believe establishing a precedent of using general funds to support a dedicated fund activity is inappropriate. I will direct the Department of Agriculture to evaluate, identify and recommend a solution to the seed certification funding problem.

6. FOR K-12 PROGRAM

On page 56, Section 94, I have vetoed subsection (2) which provides that "no funds shall be expended for purposes of advancing the development of occupational skill centers not operated in conjunction with a community college or vocational technical institute. Operations of skill centers in existence or those which have had their capital funds approved on the effective date of this act may be continued."

I support the notion that surplus space should be used whenever possible. The construction of unnecessary, duplicative facilities is wasteful and should be discouraged. I also support the notion that vocational education is a keystone to a vital and prosperous populace. Subsection (2) precludes contiguous districts from joining to provide for improved vocational programs regardless of their proximity to existing facilities. This requirement can lead to one of two things, costly and inefficient programs operated by individual districts or limited and low quality vocational education programs.

On page 56, Section 94, I have vetoed subsection (4) which directs "the State Board of Education to restore all educational service district boundaries as they existed prior to September 1, 1976."

RCW 28.21.020 (RCW 28A.21.020) clearly grants discretionary authority to the State Board to revise educational Service District boundaries. The legal Board action of December 3, 1976, and resulting administrative implementation of a system of 9 ESDs, is expected to result in increased economy and efficiency in educational management. I firmly believe that this and similar actions must be encouraged and supported. This appropriate action, if overturned at this time, can only result in unnecessary duplication and increased cost of educational management.

7. FOR COMMUNITY COLLEGE EDUCATION

On page 72, Section 110, I have vetoed subsection (3) which directs that "Olympia Technical Community College shall not become a comprehensive community college and shall offer only those courses essential to vocational education."

Subsection (3) amends 28B.52.030 RCW which gives the academic employee

organization within its community college district the right to negotiate with the board of trustees of the community college district on policies relating to curriculum. This attempt to modify existing statutes and in effect create substantive law through an appropriation act is inappropriate.

In Section 110 I have vetoed subsection (5) which requires that "the average full-time faculty classroom contact hours for the community college system shall be at least 19 hours per week."

Subsection (5) amends 28B.52.030 RCW which gives the academic employee organization within its community college district the right to negotiate with the Board of Trustees of the community college district on policies relating to hiring and assignment practices. This attempt to modify existing statutes and, in effect, create substantive law through an appropriation act is inappropriate.

On pages 72 and 73, I have vetoed Section 110A which provides that "The State Board for Community College Education and the Boards of Trustees for community college districts thirteen and fourteen may waive the payment of non-resident fees by residents of Clatsop, Columbia, Washington, Multnomah, and Hood River Counties, Oregon, for the duration of the 1977-79 biennium, contingent upon evidence that similar waivers are made for residents of Cowlitz, Clark, Pacific or Wahkiakum Counties, Washington, to attend any of the following Oregon institutions: Clatsop, Portland, or Mount Hood Community Colleges, or Portland State University."

Sections 110A amends Chapter 28B.15 RCW (College and University Fees). This modification of existing statutes through an appropriation act is inappropriate.

8. FOR HIGHER EDUCATION

On page 76, Section 117 for the institutions of higher education, I have vetoed subsection (5) requiring "The average full-time faculty direct classroom contact hours shall be at least 12 hours per week for the two universities and 14 hours per week for the four state colleges."

Introducing substantive legislation in an appropriation act is an inappropriate method for formulating new or modifying existing state policies. This subsection is substantive because it stipulates new personnel duties and responsibilities for a certain group of higher educational employees.

9. OPERATING APPROPRIATIONS BILL

I have vetoed section 164 on page 95 which reads as follows: "Unless prohibited by federal law the receipt of federal or other funds which are not anticipated in the appropriation bill enacted by the Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources." This section further provides that any state funds replaced by such federal or other receipts shall be placed in reserve and shall not be expended unless authorized by the Legislature.

The use of non-restricted, unanticipated federal funds as an offset against state General Fund appropriations is common practice and one which I endorse. The assumption that all unanticipated non-federal receipts are unrestricted and can be used for any purpose is erroneous. To require that increases in certain forms of revenue, such as patient fees, be available to an institution only if an equivalent amount of state General Fund money is placed in reserve, is not reasonable. This requirement effectively limits the capability of an agency to accommodate unanticipated

increases in workload and associated revenue. In addition, this proposed restriction inhibits institutions from taking advantage of various non-federal grants that were not anticipated in the budget development process and thus tends to eliminate benefits that might otherwise accrue to the state.

With the exception of the foregoing sections and items which I have vetoed for the reasons stated, the remainder of Substitute Senate Bill No. 3109 is approved.

Respectfully submitted,
DIXY LEE RAY
Governor.

Office of the Governor, June 30, 1977.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval as to one item SUBSTITUTE SENATE BILL NO. 3110 entitled:

"An Act adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; prescribing an effective date; and declaring an emergency."

In Section 7, beginning with line 19 through line 37, page 12, I have vetoed all of subsection (13). The initial concept of mini-prisons to implement the present maximum security facilities of our prison system was proposed by the previous administration. Although I recognize the extreme and immediate need for the improvement in our prisons, we have and will continue to take steps to alleviate the situation using present facilities. The mini-prison approach needs additional study, principally as to its high cost factor in relation to inmate capacity. I believe it would be to the best interests of the state at this time to delay the initiation of additional new facilities until other alternatives have been exercised and additional studies conducted.

For the above reasons, I have vetoed subsection (13) of Section 7, as described above. The remainder of Substitute Senate Bill No. 3110 is hereby approved.

Sincerely,
DIXY LEE RAY
Governor.

**GOVERNOR'S MESSAGES ON SENATE BILLS SIGNED
AFTER ADJOURNMENT**

—1977—

**FORTY-FIFTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

Office of the Governor, June 23, 1977.

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

I have the honor to advise that on June 23, 1977, Governor Ray approved the following Senate bill entitled:

SECOND SUBSTITUTE SENATE BILL NO. 2040: Establishing a program to improve jails.

Sincerely,
MARY LOU WRITER
Administrative Aide.

Office of the Governor, June 27, 1977.

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

I have the honor to advise that on June 27, 1977, Governor Ray approved the following Senate bill entitled:

SUBSTITUTE SENATE BILL NO. 2537: Permitting the department of motor vehicles to set fuel tax rates.

Sincerely,
JOE ZASPEL
Legislative Assistant.

Office of the Governor, June 30, 1977.

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

I have the honor to advise that on June 30, 1977, Governor Ray approved the following Senate bills entitled:

SUBSTITUTE SENATE BILL NO. 2032: Establishing procedures for organization of minor political parties.

SUBSTITUTE SENATE BILL NO. 2877: Revising laws on ethics and disclosure.

SUBSTITUTE SENATE BILL NO. 2543: Making biennial appropriations for the operations and capital improvement of the state highway commission, the urban arterial board, and the Washington toll bridge authority.

SUBSTITUTE SENATE BILL NO. 2382: Authorizing senior citizen pass-ports for admission to and use of state parks.

SUBSTITUTE SENATE BILL NO. 2435: Providing for disposition of operating fees charged at institutions of higher education.

SUBSTITUTE SENATE BILL NO. 2558: Renaming the department of motor vehicles.

SENATE BILL NO. 2825: Imposing an annual license fee on vehicles using propane in accordance with vehicle tonnage.

SUBSTITUTE SENATE BILL NO. 2522: Relating to transportation taxation.

Sincerely,
JOE ZASPEL
 Legislative Assistant.

Office of the Governor, July 1, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on July 1, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2185: Permitting aliens to teach in the common school system.

SUBSTITUTE SENATE BILL NO. 2232: Providing for educational clinics and authorizing state aid for students enrolled therein.

SUBSTITUTE SENATE BILL NO. 2235: Authorizing a social and health services facilities bond issue.

SENATE BILL NO. 2242: Authorizing a capital projects bond issue for fisheries.

SENATE BILL NO. 2272: Authorizing bonds for WSU construction.

SENATE BILL NO. 2277: Authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects.

SUBSTITUTE SENATE BILL NO. 2274: Authorizing general obligation bonds for institutions of higher education facilities.

SENATE BILL NO. 2714: Relating to revenue and taxation.

SECOND SUBSTITUTE SENATE BILL NO. 3097: Authorizing bonds for building and equipping of state fire service training center for commission for vocational education.

Sincerely,
JOE ZASPEL
 Legislative Assistant.

Office of the Governor, July 1, 1977.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on June 27, 1977, Governor Ray approved the following Senate bill entitled:

SENATE BILL NO. 2839: Exempting certain transmission and reception property of nonprofit corporations from property taxation.

Sincerely,
JOE ZASPEL
 Legislative Assistant.

Office of the Governor, July 7, 1977.

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

I have the honor to advise that on July 7, 1977, Governor Ray approved the following Senate bill entitled:

SUBSTITUTE SENATE BILL NO. 2034: Making various changes in election laws.

Sincerely,
JOE ZASPEL
Legislative Assistant.

Office of the Governor, July 15, 1977.

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

I have the honor to advise that on July 15, 1977, Governor Ray approved the following Senate bill entitled:

SENATE BILL NO. 2441: Providing for disbursement of certain funds to counties to upgrade certain horse race courses.

Sincerely,
MARY LOU WRITER
Administrative Aide.

Office of the Governor, July 14, 1977.

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

I have the honor to advise that on July 14, 1977, Governor Ray approved the following Senate bills entitled:

SENATE BILL NO. 2516: Revising the laws relating to apiaries.

SENATE BILL NO. 2419: Excluding law enforcement officers from the prohibition on recording private communications.

Sincerely,
MARY LOU WRITER
Administrative Aide.

1977 SENATE ROSTER

FORTY-FIFTH LEGISLATURE—REGULAR AND FIRST EXTRAORDINARY SESSIONS

JOHN A. CHERBERG, President

SIDNEY R. SNYDER, Secretary

AL HENRY, President Pro Tempore

JAMES E. KEEFE, Vice President Pro Tempore

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
BAILEY, ROBERT C. ....19 (Resigned 3-10-77)	19	Grays Harbor-Pacific, part	P.O. Box 146 South Bend 98586	58	Washington	D	Port Manager	S—1957-59-59 Ex. ; 61-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77 H—1951-51 Ex. ; 51 2nd Ex. ; 53-53 Ex. ; 55-55 Ex.
BAUSCH, DEL .....22	22	Thurston, part	P.O. Box 1546 Olympia 98507	41	Washington	D	Safety Engineer, Seattle Stevedore Co.	S—1977-77 Ex. H—1973-73 Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 1st Ex., 75-76 2nd Ex.
BECK, CLIFFORD W. "RED" .....26	26	Kitsap, part Pierce, part	1263 Beach Dr. W. Port Orchard 98366	68	Indiana	D	Property Manager	S—Appointed 2/74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex. H—1961-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex.
BENITZ, MAX E. 8	8	Yakima, part Benton	Rt. 2, Box 181 Prosser 99350	60	Kansas	R	Agri-Business	S—1975-75 Ex., 75-76 2nd Ex. ; 77-77 Ex. H—1969-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex.
BLUECHEL, ALAN .....45	45	King, part	9901 N.E. 124th #505 Kirkland 98033	52	Alberta, Can.	R	President, Loctwall Corporation	S—1975-75 Ex., 75-76 2nd Ex. ; 77-77 Ex. H—1967-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex.
BOTTIGER, R. TED 2	2	Pierce, part Thurston, part	8849 Pacific Ave. Tacoma 98444	44	Washington	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex. H—1965-65 Ex. ; 67-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex.

Senate Roster—1977, Forty-Fifth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
BUFFINGTON, NANCY	34	King, part	5919 - 47th Ave. S.W. Seattle 98136	87	Utah	R	Public Relations, Wash. Natural Gas Co.	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
CLARKE, GEORGE W.	41	King, part	1111 Hoge Bldg. Seattle 98104	70	Iowa	R	Attorney	S—Appointed 1/8/71 1971 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; H—1967-67 Ex.; 69-69 Ex.; 70 Ex.
CUNNINGHAM, JOHN E. (JACK) (Resigned 6-2-77)	33	King, part	P.O. Drawer 89307 Seattle 98188	45	Illinois	R	Consultant	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.
DAY, WILLIAM S.	4	Spokane, part Whitman, part	2721 E. Sprague Spokane 99202	54	Illinois	D	Chiropractor	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1959-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.
DONOHUE, HUBERT F.	9	Adams-Asotin- Garfield-Columbia, part-Grant, part- Whitman, part	Rt. 2, Box 13 Dayton 99323	55	Washington	D	Farmer	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
FLEMING, GEORGE	37	King, part	1100 Lk. Wash. Blvd. So. Seattle 98144	38	Texas	D	Economic Devel. Mgr., Pacific N.W. Bell	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1969-69 Ex.; 70 Ex.
FRANCIS, PETE D.	32	King, part	7310 E. Green Lake Dr. No. Seattle 98115	42	Washington	D	Attorney	S—Appointed 12/1/69 1970 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1969-69 Ex.
GASPARD, MARCUS S.	25	King, part Pierce, part	8220 - 191st Ave. E. Sumner 98390	28	Washington	D	Accountant	S—1977-77 Ex. H—1973-73 Ex., 73 2nd Ex.; 74 Ex.; 75-75 1st Ex., 75-76 2nd Ex.

Senate Roster—1977, Forty-Fifth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
GOLTZ, H. A. "BARNEY".....	42	Whatcom, part	3003 Vallette St. Bellingham 98225	52	Minnesota	D	College Administrator	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.
GOULD, SUSAN E.	21	Snohomish, part	19225 - 92nd W. Edmonds 98020	47	Washington	R		S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
GRANT, GARY	11	King, part	25823 - 182nd S.E. Kent 98031	42	Wisconsin	D	Labor Union Officer	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
GUESS, SAM C.	6	Spokane, part	W. 408 - 33rd Ave. Spokane 99203	67	Mississippi	R	Civil Engineer	S—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
HAYNER, JEANNETTE	16	Franklin-Walla Walla-Columbia, part	Box 1757 Walla Walla 99362	57	Oregon	R	Homemaker	S—1977-77 Ex. H—1973-73 Ex., 73 2nd Ex.; 74 Ex.; 75-75 1st Ex., 75-76 2nd Ex.
HENRY, AL	17	Clark, part- Klickitat- Skamania	Rio Vista White Salmon 98672	65	Kansas	D	Telephone Executive	S—1957-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1941-45-51-51 Ex., 51 2nd Ex.; 55-55 Ex.
HERR, GORDON	31	King, part	10407 - 17th S.W., Apt. 201 Seattle 98146	50	Washington	D	Association Executive Secretary	S—Appointed 1/20/64 1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1963-63 Ex.

Senate Roster—1977, Forty-Fifth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
JONES, JOHN D.	48	King, part	18 Bridlewood Circle Kirkland 98033	53	Wales	R	Manager, Pacific N.W. Bell	S—Appointed 1/8/73 1973 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1971-71 Ex.; 72 Ex.
KEEFE, JAMES EDWARD...	3	Spokane, part	412 W. Glass Ave. Spokane 99205	68	New York	D	Sales Manager Consultant	S—1949-50 Ex.; 51-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
LEWIS, R. H. "BOB".....	5	Spokane, part	3308 Columbia Circle Spokane 99205	51	Washington	R	Vice Pres., Public Relations, Lincoln Mutual Savings Bank	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
MARDESICH, AUGUST P. ...	38	Snohomish, part	4712 Mermont Dr. Everett 98203	56	California	D	Attorney, Commer- cial Fisherman	S—1963-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1950 Ex.; 51-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.
MARSH, DAN	49	Clark, part	P.O. Box 1086 Vancouver 98660	39	Oregon	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
MATSON, JIM	14	Yakima, part	Rt. 2, Box 2311 Selah, 98942	49	Washington	R	Fruit Grower, Shipper	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
McDERMOTT, JAMES A.....	43	King, part	1650 - 22nd Ave. East Seattle 98112	40	Illinois	D	Physician	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1971-71 Ex.

Senate Roster—1977, Forty-Fifth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
MONOHON, CAROL	19	Grays Harbor-Pacific, part	Rt. 1, Box 136 Raymond 98577	31	Washington	D	Law Student	S—Appointed 3/14/77 H—1977
MORRISON, SID W.	15	Yakima, part	Rt. 1, Box 220-AA Zillah 98953	43	Washington	R	Farmer	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex.; H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
MURRAY, JOHN S.	36	King, part	2312 - 3rd Ave. Seattle 98121	51	Missouri	R	Publisher	S—1971-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.
NEWSCHWANDER, CHARLES E.	28	Pierce, part	2140 Bridgeport Way Tacoma 98466	56	Washington	R	Dentist	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1961-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.
NORTH, LOIS	44	King, part	10126 Radford Ave. N.W. Seattle 98177	55	California	R	Adm. Asst., King Co. Dept. of Budget & Prog. Dev.	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.
ODEGAARD, GARY M.	20	Lewis-Wahkiakum-Cowlitz, part-Pacifc, part-Thurston, part	3415 Ives Rd. Centralia 98531	36	Washington	D	Teacher	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
PETERSON, LOWELL	40	San Juan-Skagit-Whatcom, part	Box 249 Concrete 98237	55	Washington	D	Oil Distributor	S—1965-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
PULLEN, KENT	47	King, part	22844 - 172nd Ave. S.E. Kent 98081	34	Texas	R	Chemist	S—1975-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.

Senate Roster—1977, Forty-Fifth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
RASMUSSEN, A. L. "SLIM"	29	Pierce, part	5415 A St. Tacoma 98408	67	Washington	D	Real Estate	S—1961-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. Appointed 10/1/71 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex. H—1945-47-49-50 Ex. ; 51-51 Ex., 51 2nd Ex. ; 53-53 Ex. ; 55-55 Ex. ; 57-59-59 Ex.
RIDDER, RUTHE B.	35	King, part	5809 S. Roxbury Seattle 98118	47	Washington	D	Housewife	S—1974 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex.
ROHRBACH, ERIC J.	33	King, part	18979 Marine View Dr. Normandy Park 98166	25	Washington	R	Mailing Bureau Manager	S—Appointed 6/15/77
SANDISON, GORDON	24	Clallam-Jefferson-Mason-Thurston, part	P.O. Box 2025 Port Angeles 98362	56	Washington	D	Insurance Broker	S—1959-59 Ex. ; 61-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex. H—1949-50 Ex. ; 51-51 Ex., 51 2nd Ex. ; 53-53 Ex. ; 55-55 Ex. ; 57.
SCOTT, GEORGE W.	46	King, part	2530 N.E. 105th Pl. Seattle 98125	39	Washington	R	V.P. & Mgr., Social Policy Dept., Rainier Bancorp.	S—1971-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex. H—1969-69 Ex. ; 70 Ex.
SELLAR, GEORGE L.	12	Chelan-Douglas-Grant, part-Okanogan, part	1324 Terrace Dr. E. Wenatchee 98801	47	Illinois	R	Manager, Eye and Ear Optical	S—Appointed 1/7/72 1973-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex.
TALLEY, DON L.	18	Clark, part Cowlitz, part	1583 Mt. Pleasant Rd. Kelso 98626	58	Washington	D	Supervisor, Port of Longview	S—1957-59-59 Ex. ; 61-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex.

Senate Roster—1977, Forty-Fifth Legislature—Regular and First Extraordinary Sessions—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
VAN HOLLEBEKE, RAY ... 1	King, part	Snohomish, part	18735 - 53rd N.E. Seattle 98155	47	Illinois	D	Businessman	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
VON REICHBAUER, PETER 30	King, part		427 Public Lands Bldg. Olympia 98504	32	Washington	D	Self-employed, Synergistic Investments	S—1974 Ex.; 75-76 Ex., 75-76 2nd Ex.; 77-77 Ex.
WALGREN, GORDON L. 23	Kitsap, part		Five/10 Bldg. 510 Washington Bremerton 98310	48	Washington	D	Attorney	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1967-67 Ex.
WANAMAKER, F. "PAT"... 10	Island-Snohomish, part		519 W. Wanamaker Rd. Coupeville 98239	66	Washington	R	Retired Farmer	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1967-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.
WASHINGTON, NAT W. 13	Kittitas-Grant, part-Yakima, part		42 "C" St. N.W. Ephrata 98823	62	Washington	D	Attorney	S—1951-51 Ex., 51 2nd Ex.; 53-53 Ex.; 55-55 Ex.; 57-59-59 Ex.; 61-61 Ex.; 63-63 Ex.; 65-65 Ex.; 67-67 Ex.; 69-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex. H—1949-50 Ex.
WILSON, BRUCE A. 7	Ferry-Lincoln-Pend Oreille-Stevens-Okanogan, part-Spokane, part		P.O. Box F Omak 98841	55	Illinois	D	Retired Newspaper Publisher	S—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.
WOJAHN, R. LORRAINE.. 27	Pierce, part		3592 East Kay St. Tacoma 98404	56	Washington	D	Housewife	S—1977-77 Ex. H—1969-69 Ex.; 70 Ex.; 71-71 Ex.; 72 Ex.; 73-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 1st Ex., 75-76 2nd Ex.
WOODY, FRANK 39	King, part	Snohomish, part	24228 - 47th Woodinville 98072	39	Montana	D	Attorney	S—1973-73 1st Ex., 73 2nd Ex.; 74 Ex.; 75-75 Ex., 75-76 2nd Ex.; 77-77 Ex.

Senate Roster—1977, Forty-Fifth Legislature—Regular and First Extraordinary Sessions—Continued

NAME	Position	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Lieutenant Governor CHERBERG, JOHN A.	President of the Senate	Legislative Bldg. Olympia 98504	66	Florida	D	Lieutenant Governor	S—Elected 1957 1959-59 Ex. ; 61-61 Ex. ; 63-63 Ex. ; 65-65 Ex. ; 67-67 Ex. ; 69-69 Ex. ; 70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex.
SNYDER, SIDNEY R.	Secretary of the Senate	P.O. Box 531 Long Beach 98631	50	Washington	D	Owner, Operator Supermarket	S—Elected 5/12/69 69-70 Ex. ; 71-71 Ex. ; 72 Ex. ; 73-73 1st Ex., 73 2nd Ex. ; 74 Ex. ; 75-75 Ex., 75-76 2nd Ex. ; 77-77 Ex. H—Served as Asst. Chief Clerk or Acting Chief Clerk 1957 to May, 1969.
JOHNSON, CHARLES L. R..	Sergeant at Arms	624 Carlyon Olympia 98501	65	Washington	D	Merchant	S—Elected 1957-59-61-63-65-67-69- 70-71-72-73-74-75-76-77 H—House Member 1951 Served as Sergeant at Arms 1955

**STANDING COMMITTEES OF THE SENATE
FORTY-FIFTH LEGISLATURE
REGULAR SESSION**

—1977—

JOHN A. CHERBERG, President
AL HENRY, President Pro Tempore
JAMES E. KEEFE, Vice President Pro Tempore
SIDNEY R. SNYDER, Secretary

AGRICULTURE (5)—GASPARD, CHAIRMAN; Benitz, Day, Wanamaker, Wilson.

COMMERCE (5)—VAN HOLLEBEKE, CHAIRMAN; WOJAHN, VICE CHAIRMAN; Bausch, Cunningham, Morrison.

CONSTITUTION AND ELECTIONS (8)—GRANT, CHAIRMAN; Beck, Gaspard, Hayner, Lewis, Pullen, von Reichbauer, Wojahn.

ECOLOGY (7)—WASHINGTON, CHAIRMAN; Donohue, Goltz, Guess, Murray, North, Ridder.

EDUCATION (7)—McDERMOTT, CHAIRMAN; Francis, Gaspard, Gould, Hayner, Murray, Washington.

ENERGY AND UTILITIES (9)—BOTTIGER, CHAIRMAN; BAUSCH, VICE CHAIRMAN; Benitz, Gaspard, Hayner, Henry, Keefe, Lewis, Wilson.

FINANCIAL INSTITUTIONS AND INSURANCE (7)—WOODY, CHAIRMAN; Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.

HIGHER EDUCATION (7)—SANDISON, CHAIRMAN; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

JUDICIARY (9)—FRANCIS, CHAIRMAN; MARSH, VICE CHAIRMAN; Bottiger, Buffington, Clarke, Hayner, Jones, Van Hollebeke, Woody.

LABOR (7)—RIDDER, CHAIRMAN; Bailey, Grant, Matson, Morrison, Peterson, Sellar.

LOCAL GOVERNMENT (7)—WILSON, CHAIRMAN; Bluechel, Fleming, McDermott, North, Sellar, Talley.

NATURAL RESOURCES (9)—PETERSON, CHAIRMAN; Bausch, Beck, Newschwander, Pullen, Rasmussen, Sandison, Talley, Wanamaker.

PARKS AND RECREATION (5)—von REICHBAUER, CHAIRMAN; Bailey, Lewis, Odegaard, Scott.

RULES (14)—LIEUTENANT GOVERNOR JOHN A. CHERBERG, CHAIRMAN; Bailey, Beck, Clarke, Fleming, Guess, Herr, Keefe, Mardesich, Marsh, Matson, Newschwander, Sellar, Talley, Walgren.

SOCIAL AND HEALTH SERVICES (13)—DAY, CHAIRMAN; GOLTZ, VICE CHAIRMAN; Buffington, Cunningham, Francis, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke, Wojahn.

STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; Bausch, Buffington, Cunningham, Day, Gould, Henry.

TRANSPORTATION (11)—HENRY, CHAIRMAN; BECK, VICE CHAIRMAN; Bluechel, Bottiger, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

WAYS AND MEANS (19)—DONOHUE, CHAIRMAN; ODEGAARD, VICE CHAIRMAN; Bailey, Clarke, Fleming, Grant, Jones, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Rasmussen, Sandison, Scott, Walgren, Washington, Woody.

**STANDING COMMITTEES OF THE SENATE
FORTY-FIFTH LEGISLATURE
FIRST EXTRAORDINARY SESSION
—1977—**

JOHN A. CHERBERG, President
AL HENRY, President Pro Tempore
JAMES E. KEEFE, Vice President Pro Tempore
SIDNEY R. SNYDER, Secretary

AGRICULTURE (5)—GASPARD, CHAIRMAN; Benitz, Day, Wanamaker, Wilson.

COMMERCE (5)—VAN HOLLEBEKE, CHAIRMAN; WOJAHN, VICE CHAIRMAN; Bausch, Morrison, Rohrbach.

CONSTITUTION AND ELECTIONS (8)—GRANT, CHAIRMAN; Beck, Hayner, Lewis, Monohon, Pullen, von Reichbauer, Wojahn.

ECOLOGY (7)—WASHINGTON, CHAIRMAN; Donohue, Goltz, Guess, Murray, North, Ridder.

EDUCATION (7)—McDERMOTT, CHAIRMAN; Francis, Gaspard, Gould, Hayner, Murray, Washington.

ENERGY AND UTILITIES (9)—BOTTIGER, CHAIRMAN; BAUSCH, VICE CHAIRMAN; Benitz, Gaspard, Hayner, Henry, Keefe, Lewis, Wilson.

FINANCIAL INSTITUTIONS AND INSURANCE (8)—WOODY, CHAIRMAN; Bluechel, Clarke, Gaspard, Herr, Jones, Mardesich, Walgren.

HIGHER EDUCATION (7)—GOLTZ, CHAIRMAN; Benitz, Donohue, Guess, Odegaard, Olson, Scott.

JUDICIARY (11)—FRANCIS, CHAIRMAN; MARSH, VICE CHAIRMAN; Bottiger, Buffington, Clarke, Hayner, Jones, Monohon, Van Hollebeke, Wojahn, Woody.

LABOR (7)—RIDDER, CHAIRMAN; Grant, Mardesich, Matson, Morrison, Peterson, Sellar.

LOCAL GOVERNMENT (7)—WILSON, CHAIRMAN; Bluechel, Fleming, McDermott, North, Sellar, Talley.

NATURAL RESOURCES (10)—PETERSON, CHAIRMAN; Bausch, Beck, Monohon, Newschwander, Olson, Pullen, Rasmussen, Rohrbach, Talley.

PARKS AND RECREATION (5)—von REICHBAUER, CHAIRMAN; Lewis, Monohon, Odegaard, Scott.

RULES (14)—LIEUTENANT GOVERNOR JOHN A. CHERBERG, CHAIRMAN; Beck, Clarke, Fleming, Guess, Herr, Keefe, Mardesich, Marsh, Matson, Newschwander, Odegaard, Sellar, Talley, Walgren.

SOCIAL AND HEALTH SERVICES (13)—DAY, CHAIRMAN; MONOHON, VICE CHAIRMAN; Buffington, Francis, Goltz, Gould, Herr, North, Olson, Pullen, Rohrbach, Van Hollebeke, Wojahn.

STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; Bausch, Buffington, Day, Gould, Henry, Wanamaker.

TRANSPORTATION (11)—HENRY, CHAIRMAN; BECK, VICE CHAIRMAN; Bluechel, Bottiger, Guess, Keefe, Peterson, Sellar, Talley, von Reichbauer, Wanamaker.

WAYS AND MEANS (20)—DONOHUE, CHAIRMAN; McDERMOTT, VICE CHAIRMAN; Bausch, Clarke, Fleming, Grant, Jones, Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Odegaard, Rasmussen, Ridder, Ccote, Walgren, Washington, Woody.

**INDIVIDUAL COMMITTEE ASSIGNMENTS OF
THE SENATE
—1977—
FORTY-FIFTH LEGISLATURE
REGULAR SESSION**

- BAILEY (Robert C.)**—Labor; Parks and Recreation; Rules; Ways and Means.
- BAUSCH (Del)**—Vice Chairman: Energy and Utilities; Commerce; Natural Resources; State Government.
- BECK (C. W. "Red")**—Vice Chairman: Transportation; Constitution and Elections; Natural Resources; Rules.
- BENITZ (Max E.)**—Agriculture; Energy and Utilities; Higher Education.
- BLUECHEL (Alan)**—Financial Institutions and Insurance; Local Government; Transportation.
- BOTTIGER (R. Ted)**—Chairman: Energy and Utilities; Judiciary; Transportation.
- BUFFINGTON (Nancy)**—Judiciary; Social and Health Services; State Government.
- CLARKE (George)**—Financial Institutions and Insurance; Judiciary; Rules; Ways and Means.
- CUNNINGHAM (John E. "Jack")**—Commerce; Social and Health Services; State Government.
- DAY (William S.)**—Chairman: Social and Health Services; Agriculture; State Government.
- DONOHUE (Hubert F.)**—Chairman: Ways and Means; Ecology; Higher Education.
- FLEMING (George)**—Local Government; Ways and Means; Rules.
- FRANCIS (Pete)**—Chairman: Judiciary; Education; Social and Health Services.
- GASPARD (Marcus S.)**—Chairman: Agriculture; Constitution and Elections; Education; Energy and Utilities.
- GOLTZ (H. A. "Barney")**—Vice Chairman: Social and Health Services; Ecology; Higher Education.
- GOULD (Susan E.)**—Education; Social and Health Services; State Government.
- GRANT (Gary)**—Chairman: Constitution and Elections; Labor; Ways and Means.
- GUESS (Sam C.)**—Ecology; Higher Education; Rules; Transportation.
- HAYNER (Jeannette)**—Constitution and Elections; Energy and Utilities; Judiciary.
- HENRY (Al)**—Chairman: Transportation; Energy and Utilities; State Government.
- HERR (Gordon)**—Financial Institutions and Insurance; Rules; Social and Health Services.
- JONES (John D.)**—Financial Institutions and Insurance; Judiciary; Ways and Means.
- KEEFE (James E.)**—Energy and Utilities; Transportation; Rules.
- LEWIS (R. H. "Bob")**—Constitution and Elections; Energy and Utilities; Parks and Recreation.
- MARDESICH (August P.)**—Financial Institutions and Insurance; Rules; Ways and Means.
- MARSH (Dan)**—Vice Chairman: Judiciary; Rules; Ways and Means.
- MATSON (Jim)**—Labor; Rules; Ways and Means.
- McDERMOTT (James A.)**—Chairman: Education; Local Government; Social and Health Services.
- MORRISON (Sid W.)**—Commerce; Labor; Ways and Means.

- MURRAY (John S.)—Ecology; Education; Ways and Means.
- NEWSCHWANDER (Charles E.)—Natural Resources; Rules; Ways and Means.
- NORTH (Lois)—Ecology; Local Government; Social and Health Services.
- ODEGAARD (Gary M.)—Vice Chairman: Ways and Means; Higher Education; Parks and Recreation.
- PETERSON (Lowell)—Chairman: Natural Resources; Labor; Transportation.
- PULLEN (Kent)—Constitution and Elections; Natural Resources; Social and Health Services.
- RASMUSSEN (A. L. "Slim")—Chairman: State Government; Natural Resources; Ways and Means.
- RIDDER (Ruthe)—Chairman: Labor; Ecology; Social and Health Services.
- SANDISON (Gordon)—Chairman: Higher Education; Natural Resources; Ways and Means.
- SCOTT (George W.)—Higher Education; Parks and Recreation; Ways and Means.
- SELLAR (George L.)—Labor; Local Government; Rules; Transportation.
- TALLEY (Don L.)—Local Government; Natural Resources; Rules; Transportation.
- VAN HOLLEBEKE (Ray)—Chairman: Commerce; Judiciary; Social and Health Services.
- von REICHBAUER (Peter) — Chairman: Parks and Recreation; Constitution and Elections; Transportation.
- WALGREN (Gordon L.)—Financial Institutions and Insurance; Rules; Ways and Means.
- WANAMAKER (F. "Pat")—Agriculture; Natural Resources; Transportation.
- WASHINGTON (Nat W.)—Chairman: Ecology; Education; Ways and Means.
- WILSON (Bruce A.)—Chairman: Local Government; Agriculture; Energy and Utilities.
- WOJAHN (R. Lorraine)—Vice Chairman: Commerce; Constitution and Elections; Social and Health Services.
- WOODY (Frank J.)—Chairman: Financial Institutions and Insurance; Judiciary; Ways and Means.

**INDIVIDUAL COMMITTEE ASSIGNMENTS OF
THE SENATE
—1977—**

**FORTY-FIFTH LEGISLATURE
FIRST EXTRAORDINARY SESSION**

- BAUSCH (Del)**—Vice Chairman: Energy and Utilities; Commerce; Natural Resources; State Government; Ways and Means.
- BECK (C. W. "Red")**—Vice Chairman: Transportation; Constitution and Elections; Natural Resources; Rules.
- BENITZ (Max E.)**—Agriculture; Energy and Utilities; Higher Education.
- BLUECHEL (Alan)**—Financial Institutions and Insurance; Local Government; Transportation.
- BOTTIGER (R. Ted)**—Chairman: Energy and Utilities; Judiciary; Transportation.
- BUFFINGTON (Nancy)**—Judiciary; Social and Health Services; State Government.
- CLARKE (George)**—Financial Institutions and Insurance; Judiciary; Rules; Ways and Means.
- DAY (William S.)**—Chairman: Social and Health Services; Agriculture; State Government.
- DONOHUE (Hubert F.)**—Chairman: Ways and Means; Ecology; Higher Education.
- FLEMING (George)**—Local Government; Ways and Means; Rules.
- FRANCIS (Pete)**—Chairman: Judiciary; Education; Social and Health Services.
- GASPARD (Marcus S.)**—Chairman: Agriculture; Education; Energy and Utilities; Financial Institutions and Insurance.
- GOLTZ (H. A. "Barney")**—Chairman: Higher Education; Ecology; Social and Health Services.
- GOULD (Susan E.)**—Education; Social and Health Services; State Government.
- GRANT (Gary)**—Chairman: Constitution and Elections; Labor; Ways and Means.
- GUESS (Sam C.)**—Ecology; Higher Education; Rules; Transportation.
- HAYNER (Jeannette)**—Constitution and Elections; Education; Energy and Utilities; Judiciary.
- HENRY (Al)**—Chairman: Transportation; Energy and Utilities; State Government.
- HERR (Gordon)**—Financial Institutions and Insurance; Rules; Social and Health Services.
- JONES (John D.)**—Financial Institutions and Insurance; Judiciary; Ways and Means.
- KEEFE (James E.)**—Energy and Utilities; Transportation; Rules.
- LEWIS (R. H. "Bob")**—Constitution and Elections; Energy and Utilities; Parks and Recreation.
- MARDESICH (August P.)**—Financial Institutions and Insurance; Labor; Rules; Ways and Means.
- MARSH (Dan)**—Vice Chairman: Judiciary; Rules; Ways and Means.
- MATSON (Jim)**—Labor; Rules; Ways and Means.
- McDERMOTT (James A.)**—Chairman: Education; Vice Chairman: Ways and Means; Local Government.
- * **MONOHON (Carol)**—Vice Chairman: Social and Health Services; Constitution and Elections; Judiciary; Natural Resources; Parks and Recreation.
- MORRISON (Sid W.)**—Commerce; Labor; Ways and Means.

MURRAY (John S.)—Ecology; Education; Ways and Means.

NEWSCHWANDER (Charles E.)—Natural Resources; Rules; Ways and Means.

NORTH (Lois)—Ecology; Local Government; Social and Health Services.

ODEGAARD (Gary M.)—Higher Education; Parks and Recreation; Rules; Ways and Means.

**OLSON (Donald G.)—Higher Education; Natural Resources; Social and Health Services.

PETERSON (Lowell)—Chairman: Natural Resources; Labor; Transportation.

PULLEN (Kent)—Constitution and Elections; Natural Resources; Social and Health Services.

RASMUSSEN (A. L. "Slim")—Chairman: State Government; Natural Resources; Ways and Means.

RIDDER (Ruthe)—Chairman: Labor; Ecology; Ways and Means.

***ROHRBACH (Eric)—Commerce; Natural Resources; Social and Health Services.

SCOTT (George W.)—Higher Education; Parks and Recreation; Ways and Means.

SELLAR (George L.)—Labor; Local Government; Rules; Transportation.

TALLEY (Don L.)—Local Government; Natural Resources; Rules; Transportation.

VAN HOLLEBEKE (Ray)—Chairman: Commerce; Judiciary; Social and Health Services.

VON REICHBAUER (Peter)—Chairman: Parks and Recreation; Constitution and Elections; Transportation.

WALGREN (Gordon L.)—Financial Institutions and Insurance; Rules; Ways and Means.

WANAMAKER (F. "Pat")—Agriculture; State Government; Transportation.

WASHINGTON (Nat W.)—Chairman: Ecology; Education; Ways and Means.

WILSON (Bruce A.) — Chairman: Local Government; Agriculture; Energy and Utilities.

WOJAHN (R. Lorraine)—Vice Chairman: Commerce; Constitution and Elections; Judiciary; Social and Health Services.

****WOODY (Frank J.)—Chairman: Financial Institutions and Insurance; Judiciary; Ways and Means.

* Appointed March 14, 1977 to fill vacancy created by resignation of Senator Robert C. Bailey, March 10, 1977.

** Appointed July 12, 1977 to fill vacancy created by resignation of Senator Gordon Sandison, June 21, 1977.

*** Appointed June 15, 1977 to fill vacancy created by resignation of Senator John (Jack) Cunningham, June 2, 1977.

**** Deceased, July 25, 1977.

COMMITTEE APPOINTMENTS

—1977—

STATUTORY AND SELECT**ACTUARY, OFFICE OF, SPECIAL COMMITTEE****(RCW 44.44.010 & SCR 105, 1977)****SENATORS**John D. Jones
August P. Mardesich
Ruthe Ridder**REPRESENTATIVES**Scott Blair
Helen Sommers
Frank Warnke**ARTS COMMISSION, WASHINGTON STATE****(RCW 43.46.020)****SENATOR**

James A. McDermott

REPRESENTATIVE

A. N. "Bud" Shinpoch

BUDGET COMMITTEE, LEGISLATIVE**(RCW 44.28.010)****SENATORS**Alan Bluechel
George W. Clarke
Hubert F. Donohue
Gary Grant
Charles E. Newschwander
Gary M. Odegaard
George W. Scott
Frank J. Woody**REPRESENTATIVES**Otto Amen
Scott Blair
S. E. "Sid" Flanagan
John S. McKibbin
William Polk
A. N. "Bud" Shinpoch
Alan Thompson
Frank Warnke**COLUMBIA INTERSTATE COMPACT COMMISSION****(RCW 43.57.010)****SENATORS**Al Henry
Jim Matson**REPRESENTATIVES**Dennis Heck
Rolland Schmitt**CRIME (ORGANIZED) INTELLIGENCE ADVISORY BOARD****(RCW 43.43.858)****SENATORS**George W. Clarke
Pete Francis
Jim Matson
Nat W. Washington**REPRESENTATIVES**Alex A. Deccio
Wayne Ehlers
Ron Hanna
Earl F. Tilly**EDUCATION COMMISSION OF THE STATES****(RCW 28A.92.020)****SENATOR**

Ruthe Ridder

REPRESENTATIVE

Phyllis K. Erickson

**ENERGY AND UTILITIES, JOINT COMMITTEE ON
(SHB 928)**

SENATORS

Del Bausch
Max Benitz
R. Ted Bottiger
Jeannette Hayner

REPRESENTATIVES

Dick Bond
Ron Dunlap
Charles Kilbury
King Lysen

**ETHICS COMMITTEE, LEGISLATIVE BOARDS
(RCW 44.60.020)**

SENATORS

H. A. "Barney" Goltz
Charles E. Newschwander
George L. Sellar
Bruce A. Wilson

REPRESENTATIVES

W. H. "Bill" Fuller
William J. S. "Bill" May
William "Bill" Paris
Paul Pruitt

**FACILITIES AND OPERATIONS COMMITTEE
(SFR 1977-118)**

DEMOCRATS

Gary M. Odegaard
Lowell Peterson
Don L. Talley
Gordon L. Walgren

REPUBLICANS

George W. Clarke
Jim Matson
Charles E. Newschwander

**FISHERIES COMMITTEE, TRI-STATE LEGISLATIVE
(HCR 2)**

SENATOR

Lowell Peterson

REPRESENTATIVE

John Martinis

**GAMBLING COMMISSION, WASHINGTON STATE
(RCW 9.46.040)**

SENATORS

Ray Van Hollebeke
F. "Pat" Wanamaker

REPRESENTATIVES

Robert E. "Bob" Gaines
Gene Struthers

**INSURANCE BOARD, STATE EMPLOYEES
(RCW 41.05.020)**

SENATOR

R. Lorraine Wojahn

REPRESENTATIVE

Jeff Douthwaite

**INSURANCE PLAN REVIEW COMMITTEE, STATE EMPLOYEE
(SFR 1977-97)**

DEMOCRATS

Marcus Gaspard
Gary Grant
August P. Mardesich
Peter von Reichbauer

REPUBLICAN

John D. Jones

**INTERGOVERNMENTAL RELATIONS, JOINT COMMITTEE
(HCR 33)**

SENATORS

Gordon L. Walgren, Vice Chairman
Dan Marsh
Jim Matson
Gary M. Odegaard
Charles E. Newschwander

REPRESENTATIVES

John A. Bagnariol, Chairman
Albert Bower
Duane Berentson
Richard "Dick" King
William Polk

JUDICIAL COUNCIL

(RCW 2.52.010 and SB 3004, CH. 112, Laws 1977, Ex. 1)

SENATORS

George W. Clarke
Pete Francis
Ray Van Hollebeke
R. Lorraine Wojahn

REPRESENTATIVES

Joseph Enbody
Will Knedlik
Walt O. Knowles
Irving Newhouse

**LEGISLATIVE EVALUATION AND ACCOUNTABILITY
PROGRAM COMMITTEE—(ESHB 660)**

SENATORS

Hubert F. Donohue
John D. Jones
Charles E. Newschwander
A. L. "Slim" Rasmussen

REPRESENTATIVES

John A. Bagnariol
Gary Nelson
Joe Taller
Alan Thompson

MUNICIPAL RESEARCH COUNCIL

(RCW 43.110.010)

SENATORS

George Fleming
R. H. "Bob" Lewis
Lois North
Gordon L. Walgren

REPRESENTATIVES

Rod Chandler
William Leckenby
Frances C. North
Brad Owen

**NURSING HOME FISCAL AUDIT, SELECT COMMITTEE
(SFR 1977-10)**

DEMOCRATS

William S. Day
George Fleming
Gordon Herr
James A. McDermott

REPUBLICANS

Nancy Buffington
John Jones
Sid Morrison
Lois North

OCEANOGRAPHIC COMMISSION OF WASHINGTON

(RCW 43.94.020)

SENATORS

John S. Murray
A. L. "Slim" Rasmussen
Don L. Talley

REPRESENTATIVES

Mary Kay Becker
Ellen Craswell
Eleanor A. Fortson

**OVERSIGHT COMMITTEE ON EMPLOYMENT SECURITY
(SB 3109)**

SENATORS

Hubert F. Donohue, Vice Chairman
Jim Matson
Gordon L. Walgren

REPRESENTATIVES

Richard "Dick" King, Chairman
Duane Berentson
A. N. "Bud" Shinpoch

**STATUTE LAW COMMITTEE
(RCW 1.08.001)**

SENATORS

George W. Clarke
Pete Francis

REPRESENTATIVES

Will Knedlik
Walt O. Knowles
Jim Whiteside

**(SUNSET) COMMITTEES OF REFERENCE
(SHB 564)**

SENATORS

William S. Day
Susan E. Gould
Jim Matson
Carol Monohon
Bruce A. Wilson

REPRESENTATIVES

Otto Amen
Wayne Ehlers
Dick King
Earl Tilly
George Walk

**TRADE FAIRS, ADVISORY COUNCIL ON INTERNATIONAL
(RCW 43.31.080)**

SENATORS

Hubert F. Donohue
R. H. "Bob" Lewis

REPRESENTATIVES

John Bagnariol
Duane Berentson

**TRANSPORTATION COMMITTEE, LEGISLATIVE
(RCW 44.40.010)**

SENATORS

C. W. "Red" Beck
Alan Bluechel
Sam C. Guess
Al Henry
James E. Keefe
Lowell Peterson
Peter von Reichbauer
George L. Sellar
Don L. Talley
Gordon L. Walgren
F. "Pat" Wanamaker
Del Bausch, Liaison
Marcus Gaspard, Liaison
Donald G. Olson, Liaison

REPRESENTATIVES

Donn Charnley
Harold Clayton
Paul H. Conner
P. J. "Jim" Gallagher
James E. Gilleland
Frank "Tub" Hansen
John Martinis
Geraldine McCormick
E. G. "Pat" Patterson
Marion Sherman
George W. Walk
Simeon R. "Sim" Wilson

**WASHINGTON/BRITISH COLUMBIA GOVERNMENTAL COOPERATION,
JOINT COMMITTEE—(SCR 101 & SCR 124)**

SENATORS

Alan Bluechel
George W. Clarke
H. A. "Barney" Goltz
A. L. "Slim" Rasmussen
Bruce A. Wilson

REPRESENTATIVES

Duane Berentson
Helen Fancher
King Lysen
Art Moreau
Jerry Vrooman

**WOMEN'S COMMISSION, WASHINGTON STATE
(2nd SHB 449, CH. 289, Laws of 1977, Ex. 1)**

SENATORS

Lois North
R. Lorraine Wojahn

REPRESENTATIVES

Audrey Gruger
Eleanor Lee

**SENATE BILLS PASSED BY SENATE AND HOUSE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

-1977-

**FORTY-FIFTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
2002	Prohibiting controlled substances in state penal institutions	43x	5/24/77	9/21/77
2005	Authorizing up to fifty dollars per day payment to members of county equalization boards.....	33	3/21/77	6/ 9/77
2014	Removing obsolete provisions of laws relating to Indians	81x	5/26/77	9/21/77
Sub 2019	Changing requirements for legal publications.....	34	3/21/77	6/ 9/77
2021	Permitting free passage on Puget Island when SR 4 is closed	11	3/17/77	6/ 9/77
2024	Establishing equipment rental funds in counties...	67	3/25/77	6/ 9/77
2029	Abolishing American Revolution Bicentennial Commission of state of Washington	17x	5/ 4/77	5/ 4/77
Sub 2032	Establishing procedures for organization of minor political parties	329x	6/30/77	6/30/77
Sub 2034	Making various changes in election laws.....	361x	7/ 7/77	1/ 1/78
2nd Sub 2040	Establishing program to improve jails.....	316x	6/23/77	6/23/77
2042	Changing requirements for a pilot's license.....	337x	6/30/77	9/21/77**
Sub 2052	Providing for highway permits and property taxes on mobile homes.....	22x	5/ 6/77	5/ 6/77
2055	Disestablishing anti-monopoly board	82x	5/26/77	9/21/77
Sub 2056	Implementing constitutional amendment permitting school district levies for two-year periods	4	2/24/77	2/24/77
2057	Bringing various laws dealing with motor vehicle operators into accord with current practices.....	3x	4/ 4/77	9/21/77
2060	Repealing certain obsolete laws relating to reclamation	12	3/17/77	6/ 9/77
2061	Regulating proprietary hospitals	154x	6/ 3/77	9/21/77
Sub 2063	Requiring fiscal impact statements on proposed legislation	25x	5/16/77	9/21/77
2065	Deleting obsolete provisions for county homesite lands	13	3/17/77	6/ 9/77
2066	Deleting obsolete requirements for guldeposts.....	14	3/17/77	6/ 9/77
2067	Supplementing law relating to traffic safety education courses	76	3/30/77	6/ 9/77
2068	Deleting obsolete powers of town supervisors.....	15	3/17/77	6/ 9/77
2069	Youth service corps act, enacted.....	83x	5/26/77	9/21/77
2071	Granting civil immunity to podiatrists charging others with incompetency	68	3/25/77	6/ 9/77
2074	Allowing hospital commission to employ staff.....	35	3/21/77	6/ 9/77
2075	Excluding convents from nursing home regulations	48	3/22/77	6/ 9/77
2078	Relating to cremation	47	3/22/77	6/ 9/77
2079	Placing funeral directors under unfair practices act	49	3/22/77	6/ 9/77
2081	Creating warrant server positions for municipal courts of large cities	108x	5/31/77	9/21/77
Sub 2082	Establishing procedures for abolishing state agencies			Vetoed

**Partial veto

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
2083	Authorizing autopsies	79	3/30/77	6/ 9/77
2088	Making supplemental appropriations for highways	2	2/10/77	2/10/77
2090	Broadening class of medical personnel authorized to write prescriptions	69	3/25/77	6/ 9/77
2091	Providing staggered terms of office for hospital commissioners	36	3/21/77	6/ 9/77
2095	Revising state treasurer's procedures for issuing receipts	16	3/17/77	6/ 9/77
2096	State treasurer deposits, loans	17	3/17/77	6/ 9/77
2097	Deleting an obsolete restriction on employment of aliens	16x	5/ 4/77	9/21/77
2098	Making judges' retirement fund part of state treasury	18	3/17/77	6/ 9/77
2nd Sub 2104	Authorizing salmon license limitations	106x	5/28/77	5/28/77
2106	Internal revenue service liens	62	3/25/77	6/ 9/77
Sub 2107	Allowing increased occupancy of drinking establishments under state building code.....			Vetoed
2108	Revising laws pertaining to metropolitan public transportation	44x	5/24/77	7/ 1/77
2110	Liberalizing investments available to county clerks	63	3/25/77	6/ 9/77
2111	Counties, county officials, reimbursement	221x	6/14/77	9/21/77
Sub 2113	Tuition, non-resident aliens	155x	6/ 6/77	9/21/77**
2114	Permitting longer concessions and leases in state parks	123x	6/ 1/77	9/21/77
Sub 2121	Restricting printing and distribution of state reports and publications	232x	6/14/77	9/21/77
2122	Providing for enforcement of foreign judgments ..	45x	5/24/77	9/21/77
2123	Fire commission, vacancies	64	3/25/77	6/ 9/77
2124	Permitting postponement of call for highway project bids after two weeks	65	3/25/77	6/ 9/77
Sub 2125	Requiring railway bridges to have walkways.....	46x	5/24/77	9/21/77
2126	Reducing maximum daily hours of service of trainmen	70	3/25/77	6/ 9/77
Sub 2129	Requiring statement of purpose and other information to accompany agency rules	84x	5/26/77	9/21/77
Sub 2130	Requiring amendments to WAC rules to be in bill drafting style	19	3/17/77	6/ 9/77
Sub 2132	Raising the salary of PUD commissioners.....	157x	6/ 6/77	9/21/77
2133	Revising laws on reports by state government agencies and officers	75	3/30/77*	6/ 9/77**
	*Except Sec. 35 vetoed			
Sub 2143	Increasing number of superior court judges in Pierce county from ten to twelve.....	311x	6/21/77	11/1/77
Sub 2154	Governing increased state participation in third party industrial insurance actions	85x	5/26/77	9/21/77
2156	Health care professionals, self-insurers.....			Vetoed
2157	Adding public member to medical disciplinary board	71	3/25/77	6/ 9/77
2159	Permitting counterclaim for malicious prosecution in principal action	158x	6/ 6/77	9/21/77
2160	Authorizing certain contracts for school districts and educational service districts	210x	6/10/77	9/21/77
Sub 2161	Community college bond funds.....	223x	6/14/77	6/14/77
2164	Public lands, crops, livestock.....	20	3/17/77	6/ 9/77
2166	Printing, duplicating, management center.....	86x	5/26/77	9/21/77
Sub 2169	Amending law authorizing disposal of gravel, sand from state shorelands onto private property.....	87x	5/26/77	5/26/77

**Partial veto

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
2171	Railroad crossings, vehicle stop	78	3/30/77	6/ 9/77
2172	Licensing acupuncturists	233x	6/15/77	9/21/77
2175	Allowing beer and wine to be served in containers other than glasses or bottles	9x	4/22/77	4/22/77
2180	Increasing maximum limit for revenue of small water companies not subject to regulation.....	47x	5/24/77	9/21/77
2181	Changing bonding requirements for surface mining	66	3/25/77	6/ 9/77
2182	Increasing operating tax on certain transportation companies	48x	5/24/77	9/21/77
2184	Making certain changes in laws relating to registration of contractors	11x	4/22/77	9/21/77
2185	Permitting aliens to teach in common school system	340x	7/ 1/77	9/21/77
2189	Adopting international registration plan	92x	5/26/77	9/21/77
2190	Updating certain laws pertaining to veterans and veteran's affairs	31	3/21/77	6/ 9/77
2196	Increasing civil courts filing fees	107x	5/28/77	9/21/77
Sub 2197	Revising laws regulating escrow officers and agents	156x	6/ 6/77	9/21/77**
2199	Alcoholism, driver's license	162x	6/ 6/77	9/21/77
2200	Creating a resource management land bank.....	109x	5/31/77	9/21/77
2201	School transportation, routes, cost.....	80	3/30/77	6/ 9/77
2202	Regulating funds and properties managed by department of natural resources	159x	6/ 6/77	9/21/77
2208	Agriculture, miscellaneous revisions	26x	5/16/77	9/21/77
Sub 2210	Regulating prearrangement funeral service contracts	163x	6/ 6/77	9/21/77
2211	Authorizing commission on harbor lines to change harbor lines	124x	6/ 1/77	9/21/77
2215	Revising probate laws	234x	6/15/77	9/21/77
2217	Hospital districts, job candidates	211x	6/10/77	9/21/77
2222	Revising number of judges in court of appeals....	49x	5/24/77	9/21/77
2225	Providing for WSU tree fruit center funding.....	32	3/21/77	3/21/77
2nd Sub 2232	Educational clinics	341x	7/ 1/77	9/21/77
Sub 2235	Authorizing social and health services facilities bond issue	342x	7/ 1/77	7/ 1/77
2241	Permitting use of Laetrile	122x	6/ 1/77	9/21/77
2242	Authorizing capital projects bond issue for fisheries	343x	7/ 1/77	7/ 1/77
Sub 2244	Revising laws governing car dealers and salesmen.	125x	6/ 1/77	6/ 1/77
Sub 2245	Implementing law relating to contract rights of employees in common schools	7x	4/20/77	9/21/77
2251	Removing minimum wage restrictions on seasonal employees at agricultural fairs	4x	4/11/77	9/21/77
2254	Permitting use in evidence of blood sample reports of the state toxicologist.....	50x	5/24/77	9/21/77
2258	Allowing state, county, municipal treasurers to transfer public funds electronically	15x	5/ 4/77	7/ 1/77
2263	Revising laws regulating employment agencies....	51x	5/24/77	9/21/77
Sub 2268	Permitting OPP&FM to establish per diem rates... *Except certain sections on 7/1/77	312x	6/21/77	6/21/77*
2272	Authorizing bonds for WSU construction	344x	7/ 1/77	7/ 1/77
2273	Tuition, joint programs	126x	6/ 1/77	9/21/77
Sub 2274	Authorizing general obligation bonds for institutions of higher education facilities.....	345x	7/ 1/77	7/ 1/77
2277	Community colleges, facilities bonds.....	346x	7/ 1/77	7/ 1/77
2282	Simplifying reporting requirements for campaign treasurers	313x	6/21/77	1/ 1/78

**Partial veto

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
2286	Revising law relating to regulation of funeral business	93x	5/26/77	9/21/77
2288	Regulating conduct of various censuses	110x	5/31/77	9/21/77
2295	Allowing joinder of cross-filing by additional parties in action to review administrative decision	52x	5/24/77	9/21/77
2300	Modifying collection of jury costs	53x	5/24/77	9/21/77
2301	Increasing witness fees	54x	5/24/77	9/21/77
2302	Modifying fee for writ of garnishment	55x	5/24/77	9/21/77
2310	Making various changes in law on state committee on salaries	127x	6/ 1/77	9/21/77
2314	Increasing county auditor's fees for official services	56x	5/24/77	9/21/77
2315	Increasing fee for real estate brokers and salesmen's licenses	24x	5/11/77	9/21/77
2324	Providing alternative method of giving notice of materialman's lien	57x	5/24/77	1/ 1/78
2325	Fiscal notes, local government	19x	5/ 6/77	9/21/77**
2338	Permitting additional cost factors to be considered when dealing with sheltered workshops	10x	4/22/77	9/21/77
2341	Allowing the director of game to determine time and place of drawing in special hunting seasons.	58x	5/24/77	9/21/77
2344	Game fines, forfeiture distribution	59x	5/24/77	9/21/77
Sub 2356	Removing prohibition against changing precinct boundaries in certain years	128x	6/ 1/77	6/ 1/77
2365	Revising laws relating to highways	78x	5/24/77	9/21/77
2371	Updating model traffic ordinance	60x	5/24/77	9/21/77
2374	Standardizing low clearance signs and increasing certain weight limits	81	3/30/77	3/30/77
2378	Extending state route 290 in Spokane	6x	4/19/77	9/21/77
Sub 2382	Authorizing senior citizens passports for admission to and use of state parks	330x	6/30/77	9/21/77
Sub 2383	Providing for salary surveys and incentive pay for public employees	152x	6/ 3/77	9/21/77**
2384	Changing time for renewal of registration certificates of contractors	61x	5/24/77	9/21/77
2385	Modifying design procedure for limited access highways	77	3/30/77	3/30/77
2387	Regulating mobile homes	21x	5/ 6/77	9/21/77
Sub 2399	Making day before a legal holiday which falls on Saturday a holiday	111x	5/31/77	9/21/77
2400	Changing name of office of program planning and fiscal management to office of fiscal management	114x	5/31/77	9/21/77
2408	Establishing a charge for pamphlets of liquor regulations	115x	5/31/77	9/21/77
2416	Controlled substances forfeiture	77x	5/24/77	9/21/77
2418	Revising laws relating to criminal justice training.	212x	6/10/77	9/21/77
2419	Communications recording	363x	7/14/77	9/21/77
2421	Hearing examiners zoning	213x	6/10/77	9/21/77
2426	Regulating disclosure of records of department of employment security	153x	6/ 3/77	9/21/77
2429	Revising regulation of charitable solicitations	222x	6/14/77	9/21/77
Sub 2430	Metro merger	277x	6/15/77	7/ 1/78
Sub 2431	Providing for erection of a statute in statutory hall in the national capitol	13x	5/ 4/77	9/21/77
Sub 2435	Providing for disposition of operating fees charged at institutions of higher education	331x	6/30/77	9/ 1/77
2437	Enacting interstate compact for school bus safety.	88x	5/26/77	9/21/77

**Partial veto

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
2439	Extending obligation of urban arterial trust funds for one more year	214x	6/10/77	9/21/77
2441	Providing for disbursement of certain funds to counties to upgrade certain horse race courses..	372x	7/15/77	9/21/77
2443	Electrical examiners board, duties	79x	5/24/77	9/21/77
2444	Authorizing an involuntary sustained treatment program for recidivist alcoholics	129x	6/ 1/77	9/21/77
Sub 2445	Regulating automotive repair	280x	6/17/77	9/21/77
2447	Increasing maximum allowable assessment for tree fruit	8x	4/22/77	9/21/77
2451	Allowing longer appeal period from actions of county boards of equalization	290x	6/17/77	9/21/77
2452	Alcoholics custodial restraint	62x	5/24/77	9/21/77
2453	Modifying restrictions on small loan companies....	150x	6/ 2/77	9/21/77
2460	Authorizing hostels	281x	6/17/77	9/21/77
2472	Changing law on recreational vehicles	220x	6/10/77	9/21/77
2478	Higher education debt collections	18x	5/ 4/77	5/ 4/77
2479	Public assistance earned income exemption	215x	6/10/77	9/21/77
2480	Revising law on unemployment	292x	6/18/77	6/18/77*
	*Except sections 6, 12, 14, 15, 16, 18, 1-1-78			
2484	Modifying score of authority of utilities and transportation commission to issue rules.....	63x	5/24/77	9/21/77
2485	Establishing new functional classifications for highways	130x	6/ 1/77	7/ 1/77*
	*Sec. 2, 7-1-79			
2486	Modifying methods for closing highways and restricting traffic	216x	6/10/77	9/21/77
Sub 2489	Revising procedures by which a PUD may contract certain purchases	116x	5/31/77	9/21/77
2493	Making miscellaneous changes in community college law	282x	6/17/77	9/21/77
2500	Creating state route 285	224x	6/14/77	9/21/77
Sub 2502	Assessments, equalization	284x	6/17/77	9/21/77
2510	Transportation centers	217x	6/10/77	9/21/77
2512	Giving preference to acquisition of historic landmarks for public needs			Vetoed
2516	Revising laws relating to apiaries	362x	7/14/77	9/21/77
Sub 2522	Relating to transportation taxation.....	332x	6/30/77	7/ 1/77
Sub 2525	Transportation studies	235x	6/15/77	6/15/77
Sub 2527	Defining criminal process of a leased or rented motor vehicle and providing penalties	236x	6/15/77	9/21/77
Sub 2529	Modifying procedures for construction and maintenance of highways	225x	6/14/77	9/21/77
Sub 2530	Requiring new school buses over thirty-six feet six inches long to have three axles	64x	5/24/77	5/24/77
Sub 2537	Permitting department of motor vehicles to set fuel tax rates	317x	6/27/77	7/ 1/77*
	*Except Sec. 9, 9-1-77			
Sub 2543	Highways, appropriation	333x	6/30/77	6/30/77
Sub 2544	Highways, special appropriations	237x	6/15/77	6/15/77
Sub 2558	Renaming department of motor vehicles.....	334x	6/30/77	7/ 1/77
2561	Providing for emergency cloud seeding.....	3	2/21/77	2/21/77
2563	Requiring presidential electors to vote for their party's nominee	238x	6/15/77	9/21/77
Sub 2565	Transferring UCC duties from the secretary of state to the department of motor vehicles.....	117x	5/31/77	7/ 1/77
2570	Providing for a school facilities cost stabilization program	89x	5/26/77	9/21/77

**Partial veto

APPENDIX

3149

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub 2591	Relating to postsecondary education—travel expense	118x	5/31/77	9/21/77
Sub 2593	Community college military program	131x	6/ 1/77	9/21/77
Sub 2608	Revising laws relating to privacy of information about crimes and criminals	314x	6/21/77	9/21/77
Sub 2619	Relating to irrigation projects	119x	5/31/77	5/31/77
2620	Granting emergency powers to department of ecology because of impending drought.....	1x	3/25/77	3/25/77
Sub 2634	Columbia River Gorge permits.....	132x	6/ 1/77	9/21/77
Sub 2638	Authorizing certain alternative systems for correcting septic tank failures.....	133x	6/ 1/77	9/21/77
Sub 2654	Modifying public notice and judicial review provisions of the environmental policy act.....	278x	6/15/77	9/21/77
2662	Revising the membership of the veterans' affairs advisory committee	285x	6/17/77	9/21/77
2667	Yakima migrant housing	287x	6/17/77	9/21/77
2668	Enacting a landlord-tenant act for mobile home lots	279x	6/15/77	9/21/77
2675	Modifying penalty for taking of certain merchandise	134x	6/ 1/77	9/21/77
2678	Authorizing additional distribution of computer tape on state-wide registered voters	226x	6/14/77	9/21/77
Sub 2681	Amending appropriations law to direct transfers of certain funds of state treasurer.....	65x	5/24/77	5/24/77
Sub 2697	Relating to property tax limitations.....			Vetoed
Sub 2714	Timber tax emergency date	347x	7/ 1/77	7/ 1/77
Sub 2731	Providing for designation of specialty plumbers and revising other laws on plumbing.....	149x	6/ 2/77	9/21/77
2747	Providing for disposal of surplus property	135x	6/ 1/77	9/21/77
2769	Increasing registration fees for contractors.....	66x	5/24/77	7/ 1/77
Sub 2810	Educational service districts, existing.....	283x	6/17/77	9/21/77
Sub 2811	Non-associated student body program funds.....	160x	6/ 6/77	9/21/77
2825	Imposing an annual license fee on vehicles using propane in accordance with vehicle tonnage.....	335x	6/30/77	7/ 1/77
2831	Schools, veterans' day, summons.....	120x	5/31/77	9/21/77
2839	Exempting certain transmission and reception property of nonprofit corporations from property taxation	348x	7/ 1/77	9/21/77
Sub 2851	Revising state employees' insurance and health care	136x	6/ 1/77	7/ 1/77
Sub 2858	Changing law on solid waste.....	164x	6/ 6/77	9/21/77
2864	Accident reports	68x	5/24/77	9/21/77
2868	Providing for new boards of commissioners for merged fire districts	121x	5/31/77	9/21/77
Sub 2872	Disabled persons, language	80x	5/24/77	9/21/77**
Sub 2873	Revising laws relating to legislative ethics.....	218x	6/10/77	9/21/77
Sub 2877	Revising laws on ethics and disclosure.....	336x	6/30/77	9/21/77
Sub 2889	School plant facilities aid	227x	6/14/77	9/21/77
Sub 2910	Energy facility site council.....	371x	7/15/77	7/15/77**
Sub 2924	Creating a department of transportation.....	151x	6/ 2/77	9/21/77**
2927	Changing time when animals are deemed abandoned	67x	5/24/77	9/21/77
Sub 2956	Relating to outdoor advertising.....	141x	6/ 1/77	9/21/77**
Sub 2975	Skiers, ski resort operators.....	139x	6/ 1/77	9/21/77
2990	Exempting from the gambling laws antique slot machines, golfing, bowling sweepstakes.....	165x	6/ 6/77	9/21/77
3002	Providing for creation and management of a scenic river system	161x	6/ 6/77	9/21/77

**Partial veto

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
3004	Adding three members to the judicial council.....	112x	5/31/77	9/21/77
3009	Authorizing parks and recreation districts to issue interest bearing warrants	90x	5/26/77	5/26/77
Sub 3010	Making an appropriation to tort claims revolving fund	228x	6/14/77	6/14/77
3015	Providing for a liquefied natural gas hazards management study	315x	6/21/77	9/21/77**
3017	Authorizing transfer of property owned by one port district but located in another	91x	5/26/77	9/21/77
3019	Superintendent of public instruction, transportation appropriation	12x	4/25/77	4/25/77
Sub 3028	Revenue bonds—reserve	229x	6/14/77	9/21/77
Sub 3036	Authorizing class H licenses for facilities on premises of domestic wineries	219x	6/10/77	9/21/77**
Sub 3044	Indian industrial insurance, physicians' assistant's care	239x	6/15/77	9/21/77
Sub 3054	Modifying timber tax distribution.....			Vetoed
3058	Volunteer law enforcement industrial insurance... ..	113x	5/31/77	9/21/77
3060	Permitting motor vehicle headlamps which meet international standards	20x	5/ 6/77	9/21/77
2nd Sub 3067	Establishing Washington State register.....	240x	6/15/77	9/21/77
3068	School districts, August start.....	286x	6/17/77	9/21/77
Sub 3071	Extending and updating commercial fishing gear reduction program	230x	6/14/77	9/21/77
Sub 3093	Establishing procedures for construction of state ferries	166x	6/ 6/77	6/ 6/77
2nd Sub 3097	Fire service training center.....	349x	7/ 1/77	7/ 1/77
Sub 3098	Driving record abstracts	140x	6/ 1/77	9/21/77
Sub 3105	Making bomb threats a felony	231x	6/14/77	6/14/77
Sub 3109	Adopting the 1977-79 operating budget.....	339x	6/30/77	6/30/77**
Sub 3110	Adopting the 1977-79 capital budget.....	338x	6/30/77	7/ 1/77**

**Partial veto

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY THE SENATE AND HOUSE
—1977—**

**FORTY-FIFTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

*Number**Subject*

SENATE JOINT MEMORIALS

- | | |
|-----|------------------------------|
| 109 | Marine measurements standard |
| 110 | Drought relief applications |

SENATE JOINT RESOLUTIONS

- | | |
|-----|-------------------------------|
| 113 | Justices, peace, jurisdiction |
|-----|-------------------------------|

SENATE CONCURRENT RESOLUTIONS

- | | |
|-----|--|
| 101 | Washington/British Columbia cooperation, joint committee |
| 103 | Prescribing cutoff dates |
| 105 | Providing for review of the operations of the state actuary |
| 110 | Council, state governments |
| 113 | Providing cutoff dates for first extraordinary session of the
forty-fifth legislature |
| 114 | Reintroducing bills from regular session |
| 116 | Budget bills, consideration |
| 117 | Amending Senate Concurrent Resolution No. 113 |
| 118 | Amending Senate Concurrent Resolution No. 113 |
| 120 | Amending Senate Concurrent Resolution No. 113 |
| 121 | Amending Senate Concurrent Resolution No. 113 |
| 123 | Fisheries enhancement—liaison |
| 124 | Washington/British Columbia, joint committee |

**HOUSE BILLS PASSED BY THE SENATE AND HOUSE
SHOWING THE ACTION BY THE GOVERNOR THEREON
—1977—**

**FORTY-FIFTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
	1 Port districts, rent security	41	3/21/77	3/21/77
Sub	12 Nuclear power generators, taxing federal.....	366x	7/14/77	9/21/77
	13 School bus warning lights.....	45	3/22/77	6/ 9/77
Sub	23 Dental disciplinary board act.....	5x	4/19/77	9/21/77
2ndSub	24 B & O deduction for foreign articles.....	105x	5/28/77	9/21/77
Sub	27 Creating small business committee.....	70x	5/24/77	5/24/77
Sub	30 Water, sewer hook-up charges.....	72	3/30/77	6/ 9/77
	35 PUD commissioners, election.....	53	3/25/77	6/ 9/77
	45 Crop liens, filing period.....	21	3/17/77	6/ 9/77
	46 Workmen's compensation payments.....	202x	6/10/77	9/21/77
	49 "Workman" to "worker", industrial insurance laws	350x	7/ 1/77	9/21/77**
Sub	50 Speedometers required on locomotives.....	263x	6/15/77	9/21/77
	55 Stream patrolman, regulation.....	22	3/17/77	6/ 9/77
	57 Environmental coordination procedures act, modified	54	3/25/77	6/ 9/77
Sub	68 Cemetery board, expanded, abolish 1979.....	351x	7/ 1/77	9/21/77
	69 Cost data, board, commissions.....	23	3/17/77	6/ 9/77
Sub	70 Archaeology, historic preservation, office provided	195x	6/10/77	9/21/77
	95 "Roadway" redefined, transit.....	24	3/17/77	3/17/77
	98 Thermal performance standard.....	14x	5/ 4/77	9/21/77
	104 Volunteer firemen exempt, minimum wage.....	69x	5/24/77	5/24/77
Sub	105 Economic development law, definition revised....	296x	6/21/77	9/21/77
	106 Farm vehicle license, parade float	25	3/17/77	6/ 9/77
	108 Fuel tax, special revisions.....	26	3/17/77	6/ 9/77
	110 Driver's license fees, correcting distribution.....	27	3/17/77	6/ 9/77
	111 Motor vehicle fuel tax refunds.....	28	3/17/77	6/ 9/77
	113 Foreign trade zones, authorizing establishment....	196x	6/10/77	7/ 1/77
Sub	120 Business license center, established.....	319x	6/30/77	7/ 1/77
	122 Ferry rates, county review.....	29	3/17/77	6/ 9/77
Sub	125 Soldiers' veterans' homes, laws revised.....	186x	6/ 8/77	9/21/77
	136 Agricultural conservation, certain laws repealed..	30	3/17/77	6/ 9/77
Sub	138 Asian-American commission continued.....	297x	6/21/77	7/ 1/77
	146 Bus transit service, contiguous states.....	46	3/22/77	3/22/77
	148 Puget Island ferry, appropriation.....	37	3/21/77	3/21/77
	150 Public works, prevailing wage.....	177x	6/ 7/77	9/21/77
Sub	153 Public works contracts, law revision.....	187x	6/ 8/77	9/21/77
Sub	161 Mutual savings banks laws, liberalizing.....	104x	5/28/77	9/21/77
Sub	165 Public water system coordination act, enacted....	142x	6/ 2/77	9/21/77
	167 Bank, trust company, reports, time change.....	38	3/21/77	6/ 9/77
Sub	169 Supplemental budget, adopted.....	1	2/ 1/77	1/31/77
	172 Higher education, RCW correction.....	5	3/ 7/77	3/ 7/77
	173 PERS, insurance board, RCW corrections.....	6	3/ 7/77	3/ 7/77
	174 Departments, RCW corrections.....	7	3/ 7/77	3/ 7/77
	175 Motor vehicle licenses, RCW corrections.....	8	3/ 7/77	3/ 7/77
	176 Athletic commission, RCW correction.....	9	3/ 7/77	3/ 7/77
	177 Solid waste commission, RCW correction.....	10	3/ 7/77	3/ 7/77
	180 Long-arm statute extended, marriage dissolution..	39	3/21/77	6/ 9/77
Sub	181 Emergency technicians	55	3/25/77	6/ 9/77
Sub	183 Disabled persons, guardian procedures.....	309x	6/21/77	9/21/77

**Partial veto

APPENDIX

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
Sub 194	"Funds" mutual savings banks, definition extended	241x	6/15/77	9/21/77
Sub 195	Washington futures program, time bonds extended	242x	6/15/77	9/21/77
199	State fire marshal, criminal offender.....	30x	5/16/77	9/21/77
Sub 200	Petty cash account limit, increased.....	40	3/21/77	6/ 9/77
208	Attorney's fees, contract disputes.....	203x	6/10/77	9/21/77
Sub 209	Voter's pamphlet, delegate selection	56	3/25/77	6/ 9/77
216	School district superintendent, expense allowed...	73	3/30/77	6/ 9/77
Sub 217	Auto transportation companies, insurance	298x	6/21/77	9/21/77
Sub 225	Immigrant refugees, resident status, tuition.....	265x	6/15/77	6/15/77
Sub 228	Motor vehicle towing, regulations.....	167x	6/ 6/77	6/ 6/77
230	Winter recreational parking, penalty revised.....	57	3/25/77	6/ 9/77
236	Budgetary provisions, violations, penalty.....	320x	6/30/77	7/ 1/77
237	Psychologists, continuing education.....	58	3/25/77	6/ 9/77
Sub 238	Public works contract, revising law.....	71x	5/24/77	9/21/77
240	Railroad employees, transport.....	2x	3/30/77	3/30/77
245	Counties, biweekly pay.....	42	3/21/77	6/ 9/77
2nd Sub 251	Senior citizens services act, changes.....	321x	6/30/77	6/30/77
Sub 255	Irrigation districts, designate treasurers.....	367x	7/14/77	9/21/77
262	Wild animals, game commission, determination....	74	3/30/77	3/30/77
Sub 267	Highways, public land, acquisition.....	103x	5/28/77	5/28/77
271	Medical school, University of Washington, transfer program			
			Vetoed	
274	Trapping, license requirement.....	43	3/21/77	6/ 9/77
Sub 277	Bear, cougar, hunting, penalty.....	44	3/21/77	6/ 9/77
280	Dogs, injuring deer, elk.....	275x	6/15/77	9/21/77
285	Meyers, Victor, Aloysius, Sun Lakes golf course, lake, renamed	266x	6/15/77	9/21/77
286	Humane societies, sodium pentobarbital, administer	197x	6/10/77	9/21/77
287	Electrical projects, county, contracts.....	32x	5/16/77	9/21/77
Sub 291	Student transfers, common school.....	50	3/25/77	6/ 9/77
Sub 292	Water districts, planning, finance laws, changed...	299x	6/21/77	9/21/77
Sub 293	Sewer districts, finance law clarified.....	300x	6/21/77	9/21/77
Sub 294	Historical buildings, antipollution laws, exception.	38x	5/18/77	9/21/77
298	Forest patrol assessments, extended.....	102x	5/28/77	9/21/77
301	Counties, county bid requirement, amount changed	287x	6/15/77	9/21/77
Sub 312	Higher education institutions, portion, educational costs	322x	6/30/77	9/21/77
313	Blood withdrawal, liability	143x	6/ 2/77	9/21/77
Sub 314	Pharmacy assistants authorized.....	101x	5/28/77	5/28/77
316	Nursing home administrators, requirements revised	243x	6/15/77	9/21/77
321	Venereal disease, venipuncture authority	59	3/25/77	6/ 9/77
Sub 323	Financial institutions, lending practices regulating	301x	6/21/77	9/21/77
Sub 327	Water supply systems, operators, regulations	99x	5/28/77	1/ 1/78
335	Public works contracts, procedure modified	41x	5/20/77	9/21/77
338	Banks, supervisor, cease, desist orders, removal...	178x	6/ 7/77	9/21/77
Sub 340	Securities, religious denominations, exempted.....	188x	6/ 8/77	9/21/77
Sub 348	Nursing homes, suspension, restrictions permitted.	244x	6/15/77	9/21/77
Sub 353	Victims crimes, compensation revised	302x	6/21/77	9/21/77
355	Retired persons, property tax exemption, relaxes	268x	6/15/77	6/15/77
3rd Sub 371	Juvenile justice, fare system revised	291x	6/18/77	7/ 1/78*
	*Sec. 57, 7-1-77			
376	Ocean fishing regulations	100x	5/28/77	9/21/77
382	Prescription drugs, government agencies, tax exempt	179x	6/ 7/77	7/ 1/77
Sub 384	Financial institutions, reports, confidential	245x	6/15/77	6/15/77
Sub 385	Life insurance purchasers, cancellation	60	3/25/77	6/ 9/77

**Partial veto

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
386	Property insurance revisions	61	3/25/77	6/ 9/77
Sub 387	Insurers, reinsurance restricted	180x	6/ 7/77	9/21/77
2nd Sub 388	Solar energy, property tax exempt	364x	7/14/77	9/21/77
389	Railroad crossings, traffic device regulations	168x	6/ 6/77	6/ 6/77
2nd Sub 391	Speech pathologists, audiologists regulated			Vetoed
Sub 393	Banks, trust company, control	246x	6/15/77	9/21/77
Sub 395	Claims, by, against state	144x	6/ 2/77	9/21/77
Sub 402	Budgets, state agencies, require increased taxes...	247x	6/15/77	6/15/77
414	Jury fees, increased	248x	6/15/77	9/21/77
417	Gambling, local taxation	198x	6/10/77	9/21/77
424	Blind commission, established	40x	5/20/77	9/21/77
Sub 427	Ferries, county funding	51	3/25/77	7/ 1/77
438	Property appraisals, notice, date changed	181x	6/ 7/77	9/21/77
Sub 440	Homestead exemptions, modified	98x	5/28/77	5/28/77
444	Parents' liability, increased	145x	6/ 2/77	9/21/77
445	Eminent domain, costs	72x	5/24/77	5/24/77
Sub 446	Real estate licenses, revision	370x	7/14/77	9/21/77
447	Real estate sales licenses	204x	6/10/77	9/21/77
448	Real estate salesmen, cease, desist orders	261x	6/15/77	9/21/77
2nd Sub 449	Women's Commission, established	288x	6/17/77	9/21/77
459	Industrial insurance, situation change	199x	6/10/77	9/21/77
Sub 470	"In-service training act, 1977"	189x	6/ 8/77	9/21/77
Sub 472	Regional universities, designated	169x	6/ 6/77	9/21/77
474	Public works liens, funds	205x	6/10/77	9/21/77
495	Unemployment compensation law, definitions modified	73x	5/24/77	9/21/77
506	PUD sewer system operation	31x	5/16/77	5/16/77
Sub 508	Hypodermic needles, sales regulated	249x	6/15/77	6/15/77
Sub 512	Salaries, direct deposit	269x	6/15/77	9/21/77
Sub 531	Risk management, unified system provided	270x	6/15/77	9/21/77
553	Theatre employees, overtime	74x	5/24/77	9/21/77
559	State employees' insurance board, retired person added	190x	6/ 8/77	9/21/77**
Sub 563	Unemployment benefits, labor dispute disqualification extended	33x	5/16/77	*
	*Sec. 1, 7-1-77; Sec. 2, 7-1-79			
Sub 564	Sunset act, enacted	289x	6/17/77	6/17/77
Sub 572	Life insurance policy loans	250x	6/15/77	9/21/77
573	Session laws publications, appropriation	23x	5/ 6/77	5/ 6/77
580	Telephones, fraudulent use	42x	5/20/77	9/21/77
Sub 581	Prescription drugs, substitution provided	352x	7/ 1/77	9/21/77
582	Yakima river conservation	75x	5/24/77	9/21/77
583	Senior citizen's school fees	170x	6/ 6/77	9/21/77
584	Reemployment, higher education, age seventy	276x	6/15/77	9/21/77
585	State college boards, treasurer provided	52	3/25/77	6/ 9/77
Sub 601	Gambling laws, card games, revised	76x	5/24/77	9/21/77
Sub 604	Industrial insurance laws, revised	323x	6/30/77	7/ 1/77
613	Property tax revaluation ratio procedures repealed	29x	5/16/77	5/16/77
Sub 615	"Comprehensive sentencing act, 1977" enacted ...	206x	6/10/77	6/10/77
617	Mutual savings banks, higher expenses allowed ...	171x	6/ 6/77	9/21/77
618	Securities laws, revised	172x	6/ 6/77	9/21/77
Sub 619	State finance committee, investment authority modified	251x	6/15/77	9/21/77
623	Water associations, nonprofit, capital expenditures exempted	368x	7/14/77	9/21/77
Sub 625	Credit union, central, authorized	207x	6/10/77	9/21/77
627	Irrigation districts, merge, sewer districts	208x	6/10/77	9/21/77
642	Taxes, destroyed property	200x	6/10/77	9/21/77

**Partial veto

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub 643	Child visitation rights	271x	6/15/77	9/21/77
649	Cosmetology regulations	310x	6/21/77	9/21/77
653	Land development, additional improvement payments	252x	6/15/77	9/21/77
Sub 656	Surplus materials, private schools	303x	6/21/77	9/21/77
657	PERS board, public members	34x	5/18/77	9/21/77
Sub 660	LEAP committee established	373x	7/15/77	7/15/77
Sub 662	Higher education professional leaves	173x	6/ 6/77	7/ 1/77
Sub 674	Agricultural products laws, revised	304x	6/21/77	9/21/77
Sub 675	Abolishing pay toilets	97x	5/28/77	5/28/77
Sub 678	Livestock theft law modified	174x	6/ 6/77	9/21/77
683	Fraternal societies, insurance law modified	96x	5/28/77	9/21/77
691	Public depository liability revised	95x	5/28/77	9/21/77
694	State patrol, property disposal authorized	191x	6/ 8/77	9/21/77
Sub 697	Learning objectives, K-12	305x	6/21/77	9/21/77
703	Motor vehicle wreckers laws revised	253x	6/15/77	9/21/77
727	Vehicle accident report	369x	7/14/77	9/21/77
733	Transporter plates, misuse	254x	6/15/77	9/21/77
Sub 737	Student's insurance, interdistrict activities	255x	6/15/77	9/21/77
Sub 741	Property tax exemption laws, modified	209x	6/10/77	9/21/77
Sub 743	Marine petroleum transfer facilities			Vetoed
753	Sewer district, pollutants removal authorized	146x	6/ 2/77	9/21/77
755	Tamperproof licenses, identicards provided	27x	5/18/77	9/21/77
768	Higher education, degree programs	201x	6/10/77	9/21/77
778	State patrol, retirement allowance	256x	6/15/77	9/21/77
779	Labor liens, group filing	176x	6/ 6/77	9/21/77
797	Habitual traffic offenders	138x	6/ 1/77	6/ 1/77
Sub 798	Discriminatory boycotts	192x	6/ 8/77	9/21/77
816	Highway property, tenants purchasing priority....	37x	5/18/77	9/21/77
Sub 821	Crosswalk curb ramps	137x	6/ 2/77	9/21/77**
825	County road administration good practice certificates	257x	6/15/77	9/21/77
828	Collection agencies penalties	194x	6/ 8/77	9/21/77
Sub 837	Mount Si, Little Si, preservation	306x	6/21/77	9/21/77
Sub 839	Historical sites, leasehold excise tax inapplicable..	35x	5/18/77	7/ 1/77
842	Business corporations, filing requirements removed	193x	6/ 8/77	6/ 8/77
852	Nuclear generating contracts, amendments permitted	28x	5/16/77	5/16/77
Sub 865	PERS revised, established	295x	6/18/77	10/1/77
Sub 866	TRS revised, established	293x	6/18/77	10/1/77
Sub 867	LEOFF, revised, created	294x	6/18/77	10/1/77
Sub 873	Forest products, cedar, harvesting, regulated	147x	6/ 2/77	9/21/77
2nd Sub 874	Probation services, funds	307x	6/21/77	9/21/77
878	PUD classification, reclassification	36x	5/18/77	9/21/77
879	Highways, shoulder driving	39x	5/18/77	9/21/77
Sub 880	School principals, management teams	272x	6/15/77	9/21/77
Sub 912	Unclaimed personal property, unclaimed			Vetoed
921	Fork lifts, licenses, brakes	148x	6/ 2/77	9/21/77
929	Community college employees	94x	5/28/77	9/21/77
Sub 928	Energy emergency powers revised	328x	6/30/77	6/30/77**
933	Roadside information panels	258x	6/15/77	9/21/77
Sub 936	Library districts, cities, towns	353x	7/ 1/77	9/21/77
Sub 952	Motor vehicle standards, federal conformity	355x	7/ 1/77	9/21/77
Sub 960	"Basic education act 1977" enacted	359x	7/ 1/77	9/ 1/78
Sub 980	Ferry vessels, bonds	360x	7/ 1/77	7/ 1/77
Sub 1009	Sales, use, B&O tax increase	324x	6/30/77	6/30/77
1086	School levy limitations	325x	6/30/77	7/ 1/77
Sub 1120	Water rights, Initiative 59	357x	7/ 1/77	7/ 1/77

**Partial veto

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub 1132	Commercial driving record	356x	7/ 1/77	9/21/77
1133	Golfing sweepstakes, under gambling act	326x	6/30/77	6/30/77
Sub 1142	Felony judgment, fingerprints	259x	6/15/77	6/15/77
1153	Handicapped, employment security department ...	273x	6/15/77	9/21/77
Sub 1184	Salmon enhancement facilities bonds	308x	6/21/77	6/21/77
3rd Sub 1188	Department fisheries, salmon enhancement program	327x	6/30/77	1/ 1/78
Sub 1189	Nursing home audits	260x	6/15/77	9/21/77
Sub 1213	Housing authorities, public	274x	6/15/77	9/21/77
1229	Boiler inspection revisions	175x	6/ 6/77	9/21/77
1232	Catalytic converters removed, emergency vehicles	264x	6/15/77	6/15/77
1260	Insurance bonds, fees licensing modified	182x	6/ 7/77	9/21/77
1262	Insurance guaranty association	183x	6/ 7/77	9/21/77
1263	State power commission, references deleted	184x	6/ 7/77	9/21/77
1264	Public body refunding bonds	262x	6/15/77	9/21/77
Sub 1265	Higher education limited bonds refund	354x	7/ 1/77	7/ 1/77
Sub 1266	General administration deputy supervisors	185x	6/ 7/77	9/21/77
1284	University of Washington metropolitan tract. sixty year time sequence	365x	7/14/77	7/14/77
2nd Sub 1306	Salary increases, state officials	318x	6/30/77	7/ 1/77
Sub 1310	Shoreline management act, date of filing	358x	7/ 1/77	9/21/77
Sub 1348	Uninsured motorist coverage			Vetoed

**Partial veto

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY THE SENATE AND HOUSE**

—1977—

**FORTY-FIFTH LEGISLATURE
REGULAR AND FIRST EXTRAORDINARY SESSIONS**

Number *Subject*

HOUSE JOINT MEMORIAL

1 Insecticide, federal act, amend

HOUSE JOINT RESOLUTIONS

55 Transportation, reasonable rates
56 Short-haul differential
57 Combinations, carriers

HOUSE CONCURRENT RESOLUTIONS

2 Fisheries committee, tri-state
3 Legislature organized, Governor notified
4 "Issaquah", name, new ferry
5 Canvass votes, joint session
17 Joint sessions called
18 "Kittitas", name, new ferry
23 Memorial services, rescheduled
26 Bills, returned, original status
27 Adjournment, SINE DIE, Governor notified
28 Legislature organized, Governor notified
31 Governor Hammond, Alaska, joint session called
32 Joint rules, adopted
33 Intergovernmental relations, joint committee created
35 Bills, returned, house of origin
36 Adjournment SINE DIE, Governor notified.

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2008. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Rasmussen and Day): Revising authority of the state capitol committee.			816	817	Returned to Rules 6-21-77		817	HCR 35, 8108												
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2021. Senators Odegaard and Talley: Permitting free passage on the Puget Island ferry when State Route 4 is closed.	16	108	269	271	644	271, 644	644	650	688	Signed p. 816 CH. 11

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2054. Senators Donohue, Matson and Odegaard (by Executive request of Governor Evans): Adopting the capital budget.	23																			
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2056. Senators Donohue, Odegaard and McDermott (by Superintendent of Public Instruction request): Implementing constitutional amendment permitting school district levies for two-year periods.	35	68				150														
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2058. Senators Henry, Guess and Beck (by Department of Motor Vehicles request): Prohibiting drivers schools from using DMV test routes....	35	207	426	426	427, 452, 455 - 456															
2059. Senators Clarke, Newschwander, Odegaard and Woody (by Legislative Budget Committee request): Repealing certain obsolete laws relating to agricultural conservation.	35	182	272	272, 742	40, Returned to Rules 6-21-77	272, 742	HCR 26, 711, HCR 35, 3103													

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NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
2060. Senators Odegaard, Clarke, Newschwander and Woody (by Legislative Budget Committee request): Repealing certain obsolete laws relating to reclamation.	36	182	315	315	.....	315	638	638	638	Signed p. 816 CH. 12
2061. Senators Day, Jones and Buffington: Regulating proprietary hospitals.	36	545	1114	1114	1963	1116, 1963	1963	2000	2063	Signed p. 2281 CH. 154X
2062. Senators Day and Jones: Revising qualifications for health officers.	36	182	273, 282	284, 742	274, Returned to Rules 6-21-77	284, 742	HCR 26, 711, HCR 35, 3103	.....	.....	.....
2063. Senators Odegaard, Clarke, Donohue, Woody, Scott and Wilson (by Legislative Budget Committee request): Requiring fiscal impact statements on proposed legislation.	36	419	.....	.....	552	.....	.....	.....	.....	.....
2063. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Odegaard, Clarke, Donohue, Woody, Scott and Wilson) (by Legislative Budget Committee request): Requiring fiscal impact statements on proposed legislation. ....	.....	.....	552	552, 742	.....	552, 743	HCR 26, 711, 1526	1528	1561	Signed p. 1607 CH. 25X

2064. Senators Clarke, Newschwander, Odegaard and Woody (by Legislative Budget Committee request): Deleting inactive committee on public employee bargaining.	36	289	408	404, 743	Returned to Rules 6-21-77	404, 743	HCR 26, 711, HCR 35, 3103	.....	.....	.....
2065. Senators Odegaard, Clarke, Newschwander and Bausch (by Legislative Budget Committee request): Deleting obsolete provisions for county homesite lands.	36	169	268	268	40	268	649	650	683	Signed p. 816 CH. 13
2066. Senators Odegaard, Newschwander, Donohue, Woody and Bausch (by Legislative Budget Committee request): Deleting obsolete requirements for guideposts.	36	169	272	272	40	272	649	650	683	Signed p. 816 CH. 14
2067. Senators Woody, Clarke, Donohue, Odegaard, Scott, Bausch and Gould (by Legislative Budget Committee request): Supplementing law relating to traffic safety education courses.	36	306	379	379	41	379	682	684	697	Signed p. 956 CH. 76
2068. Senators Odegaard, Clarke, Newschwander, Woody and Bausch (by Legislative Budget Committee request): Deleting obsolete powers of town supervisors.	37	170	313	313	41	313	649	650	683	Signed p. 816 CH. 15
2069. Senators Goltz, Morrison, Fleming, Ridder, Sandison and North: Establishing a youth service corps to promote youth employment and service to local communities.	37	532	598	599, 743	41, 1631	599, 744, 1631	HCR 26, 711, 1628	1664	1753	Signed p. 2002 CH. 83X
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2071. Senators Day, von Reichbauer and Jones: Granting civil immunity to podiatrists charging others with incompetency.	37	91	330, 337, 341	341	330, 337, 680, 685	342, 685	680, 685	698	705	Signed p. 916 CH. 68

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2073. Senators Day and von Reichbauer: Increasing the limits that counties may pay for damage by dogs.	37	41
2074. Senators Day, Jones and Buffington: Allowing the hospital commission to employ a staff.	37	168	240	240	241	668	669	698	Signed p. 853 CH. 36
2075. Senators Day, von Reichbauer, Beck, Van Hollebeke, Buffington, Herr and Keefe: Excluding convents from nursing home regulations.	37	109	275	276	276	284	688	684	698	Signed p. 867 CH. 48
2076. Senators McDermott, Lewis and Hayner: Mandating classroom visitation rights of parents, guardians or custodians of pupils.	37	1011
2077. Senators Francis and Pullen: Including the Washington State Patrol under the public employee collective bargaining law.	38
2078. Senators Wilson, North and Goltz: Relating to cremation.	38	248	327	327	327	682	684	697	Signed p. 867 CH. 47

2079. Senators Day, Wanamaker and Jones: Placing funeral directors under unfair practices act.....	38	182	285	285	.....	285	682	684	697	Signed p. 867 CH. 49
2080. Senators Wilson, Bottiger, Bluechel, Hayner and Odegaard: Exempting local government public safety voluntary services from the state minimum wage laws.	38	92	251	251, 744	41, 2187	251, 744	HCR 26, 711, 2185		.....	.....
2081. Senator Francis: Creating warrant server positions for municipal courts of large cities...	38	532	857, 869	869	858	871	1773	1774	1960	Signed p. 2145 CH. 108X
2082. Senators Wilson, Rasmussen, Cunningham, Gould, Sandison, Donohue, Wanamaker, Day, Odegaard and Henry: Abolishing certain state agencies.	38	504	.....	.....	897	.....	.....	.....	.....	.....
2082. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Wilson, Rasmussen, Cunningham, Gould, Sandison, Donohue, Wanamaker, Day, Odegaard and Henry): Abolishing certain state agencies.....	.....	1867, 1958	897	897	898, 1271, 1495, 1527, 1867	897, 1958	1262, 1495, 1527, 1867, 1957	1999	2063	p. 3108 VETOED
2083. Senators North and McDermott: Authorizing autopsies.	38	243	313	314	686	314, 686	686	698	705	Signed p. 956 CH. 79
2084. Senators Beck and Walgren: Increasing the number of superior court judges in Kitsap county.	38	.....	.....	.....	.....	.....	.....	.....	.....	.....
2085. Senators Washington, Guess and Goltz: Designating regional universities.	38	260, 1137	429	.....	431, 497- 500, 1481	.....	.....	.....	.....	.....
2086. Senators Walgren and Matson (by Executive request of Governor Evans): Establishing salaries for certain state elected officials and members of the judiciary.	58	1137	.....	.....	2469	.....	.....	.....	.....	.....

2095. Senators Rasmussen, Newschwander and Bausch (by State Treasurer request): Revising state treasurer's procedures for issuing receipts.	54	92	178	178	178	638	638	683	Signed p. 816 CH. 16
2096. Senators Rasmussen and Newschwander (by State Treasurer request): Establishing a deposit interest account in the state general fund and eliminating certain deposit interest payments occasioned by interfund loans.	54	92	187	187	187	638	638	683	Signed p. 816 CH. 17
2097. Senators Bausch, Woody and Murray (by Legislative Budget Committee request): Deleting an obsolete restriction on employment of aliens.	54	289	575	575, 744	575, 744	HCR 26, 711, 1261	1262	1319	Signed p. 1483 CH. 16X
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2104. Senators Peterson, Talley and Wanamaker: Authorizing salmon license limitations.	55	533, 915			1120					
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2105. Senators Clarke, Rasmussen, North and Hay- ner: Reforming criminal sentencing.	55									
2106. Senators Sellar and Talley: Increasing the auditor's fee for filing internal revenue service liens and exempting them from the prepayment requirement.	59	109	239	239		239	668	669	698	Signed p. 916 CH. 62
2107. Senators Sellar, Talley and Fleming: Allowing increased occupancy of drinking establishments under state building code.	59	1192			298, 1339					
2107. (SUBSTITUTE) Committee on Local Govern- ment (originally sponsored by Senators Sellar, Talley and Fleming): Allowing increased occu- pancy of drinking establishments under state building code.			1339, 1341	1342	1840, 1962	1342, 1962	1962	2000	2063	p. 3109 VETOED

2108. Senators Henry, Bailey, Morrison and Sellar (by Office of Community Development request): Revising laws pertaining to metropolitan public transportation.	59	374	595	596, 745	1571	596, 745, 1571	HCR 26, 711, 1571	1575	1622	Signed p. 1909 CH. 44X
2109. Senators Beck and Lewis: Making uniform the election procedures applicable to special purpose taxing or assessment districts.	60									
2110. Senators Woody, Talley and Sellar: Liberalizing investments available to county clerks....	64	182	274	274	679	275, 679	679	684	697	Signed p. 916 CH. 63
2111. Senators Talley, Henry, Lewis and Sellar: Doubling the amount of reimbursement allowed from counties to the Washington state association of county officials.	64	558	1023	1023		1024	2283	2283	2442	Signed p. 2714 CH. 221X
2112. Senators Wilson, Sellar and Henry: Modifying civil service appointment procedures for sheriffs' offices and authorizing unclassified positions.	64	319			500					
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2120. Senator Goltz: Posting the address of a pay phone on the pay phone.	69	277																		
2121. Senators Scott, Marsh, Clarke and Odegaard (by Legislative Budget Committee request): Restricting printing and distribution of state reports and publications.	69	581			817															
2121. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Scott, Marsh, Clarke and Odegaard) (by Legislative Budget Committee request): Restricting printing and distribution of state reports and publications.			818, 844	845	818, 2368	845, 2368	2365	2406	2465											Signed p. 2715 CH. 232X
2122. Senators Van Hollebeke and Jones: Providing for enforcement of foreign judgments.....	69	346	565	565, 748	1572	566, 748, 1572	HCR 26, 711, 1572	1575	1622											Signed p. 1909 CH. 45X
2123. Senators Talley, North and Sellar: Providing for the filling of vacancies in fire commissioner positions.	69	244	302	302		302	668	669	698											Signed p. 916 CH. 64
2124. Senators Guess and Henry: Permitting postponement of a call for highway project bids after two weeks.	70	207	338	339		339	682	684	697											Signed p. 916 CH. 65
2125. Senators Henry, Gaspard and Bausch: Requiring railway bridges to have walkways.	70	491			900															

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2125. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Henry, Gaspard and Bausch): Requiring railway bridges to have walkways.			900	900		900	1591	1591	1622	Signed p. 1909 CH. 46X
2126. Senators Gaspard, Ridder and Morrison: Reducing the maximum daily hours of service of trainmen.	70	207	268	269		269	683	684	698	Signed p. 916 CH. 70
2127. Senator Day: Mandating payments to group training homes on a full time operating basis...	70									
2128. Senators Rasmussen, Walgren and Wanamaker: Making changes in the laws relating to special fuel taxes.	70									
2129. Senators Walgren, Clarke, Rasmussen and Wilson: Requiring a statement of purpose and other information to accompany agency rules...	70	260			372					
2129. (SUBSTITUTE) (Committee on State Government) (originally sponsored by Senators Walgren, Clarke, Rasmussen and Wilson): Requiring a statement of purpose and other information to accompany agency rules.....			372, 379	372, 380, 748	372, 1619	380, 748, 1619	HCR 26, 711, 1618	1628	1762	Signed p. 2002 CH. 84X

2130. Senators Walgren, Clarke, Rasmussen and Wilson: Requiring amendments to WAC rules to be in bill drafting style.	70	261			829								
2130. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Walgren, Clarke, Rasmussen and Wilson): Requiring amendments to WAC rules to be in bill drafting style.						329	329		329	688	638	684	Signed p. 816 CH. 19
2131. Senators Walgren, Clarke, Rasmussen and Wilson: Requiring specific reference to rule-making authority by agencies.	70												
2132. Senators Washington, Sellar and Talley: Raising the salary of PUD commissioners.	70	533			981								
2132. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Washington, Sellar and Talley): Raising the salary of PUD commissioners.						981	982		982	2000	2036	2081	Signed p. 2364 CH. 157X
2133. Senators Scott, Newschwander, Odegaard and Clarke (by Legislative Budget Committee request): Revising laws on reports by state government agencies and officials.	70	319	553	554	688	554, 688		687	706	709			Signed p. 957 CH. 75, PV
2134. Senator Grant: Revising law relating to class H liquor licenses.	78												
2135. Senators Keefe, Grant and Talley: Requiring an employer to safeguard an employee's musical instruments and sound equipment.	78												
2136. Senators Grant and Van Hollebeke: Permitting class H liquor licenses at privately owned centers for sports, entertainment and conventions.	78												
2137. Senator Grant: Increasing the penalty for an employer who does not pay the required wage.	74												

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2153. Senators Woody, Clarke, Day, McDermott, North, Sellar and Hayner: Revising the law on filing medical malpractice actions.	75									
2154. Senators Bottiger and Hayner: Governing increased state participation in third party industrial insurance actions.	75	306			902					
2154. (SUBSTITUTE) Committee on Labor (originally sponsored by Senators Bottiger and Hayner): Governing increased state participation in third party industrial insurance actions.....			902	902	1613	903, 1613	1612	1628	1752	Signed p. 2002 CH. 85X
2155. Senators Day, Clarke, Woody, McDermott, Sellar, North and Hayner: Requiring disclosure and approval of agreements in civil actions...	75	1240			1481					
2156. Senators Day, Woody, McDermott, Sellar and Francis: Permitting certain corporations of health care professionals to act as self-insurers against liability.	76	244, 1750, 1961	371	371, 749	1391, 1527, 1750, 1962	749, 1962	HCR 26, 711, 1391, 1527, 1748	2000	2068	p. 3111 VETOED
2157. Senators Day, Woody, Buffington, McDermott, Francis, Sellar, North and Hayner: Adding a public member to the medical disciplinary board.	76	244	326	326		326	683	684	698	Signed p. 916 CH. 71

2158. Senators Francis, Clarke, Woody and McDermott: Requiring promises of health care cures to be in writing to be valid.	76	244	303	303, 749	Returned to Rules 6-21-77	304, 749	HCR 26, 711, HCR 35, 3104	.....	.....	.....	.....
2159. Senators Woody, Clarke, Day, Sellar and Hayner: Permitting a counter-claim for malicious prosecution in the principal action.	76	244	537	537, 749	.....	537, 750	HCR 26, 711, 2000	2036	2081	Signed p. 2364 CH. 158X	.....
2160. Senators McDermott, Gould, Francis and Hayner (by Superintendent of Public Instruction request): Authorizing certain contracts for school districts and educational service districts.	76	546	1024	1024	2154	1025, 2154	2154	2199	2282	Signed p. 2527 CH. 210X	.....
2161. Senators Donohue and Matson (by Office of Program Planning and Fiscal Management request): Transferring funds in the community college bond retirement fund and reserve account to the general fund.	80	694	.....	.....	1245	.....	.....	.....	.....	.....	.....
2161. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue and Matson) (by Office of Program Planning and Fiscal Management request): Transferring funds in the community college bond retirement fund and reserve account to the general fund. ....	.....	.....	1245	1246	.....	1246	2283	2283	2442	Signed p. 2714 CH. 223X	.....
2162. Senators Wojahn, Beck and Herr: Ordering the demolition of the McKinley building complex at the Washington veterans' home at Retsil....	80	261	.....	.....	.....	.....	.....	.....	.....	.....	.....
2163. Senators Guess, Goltz, Donohue, North, Jones, Murray, Newschwander, Wanamaker, Scott, Talley, Odegaard, McDermott, Gaspard and Bluechel: Enacting the Uniform Probate Code.	81

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2164. Senators Donohue, Sandison and Gaspard (by Department of Natural Resources request): Governing disposition of crops from state owned share crop lands and modifying live-stock trespass.	92	182	339	340	98	340	638	638	684	Signed p. 816 CH. 20
2165. Senators Woody, Donohue, Scott, Odegaard and Clarke (by Legislative Budget Committee request): Amending laws relating to public printing.	93	319	.....	.....	765	.....	.....	.....	.....	.....
2166. Senators Odegaard, Donohue, Clarke and Woody (by Legislative Budget Committee request): Transferring the powers, duties, and functions of the printing and duplicating committee to the newly-created printing and duplicating management center.	93	319	840	840	1646	840, 1646	1646	1664	1753	Signed p. 2003 CH. 86X
2167. Senators Day, Buffington and Rasmussen: Imposing additional qualifications and restrictions upon public disclosure commission members.	93	.....	.....	.....	.....	.....	.....	.....	.....	.....
2168. Senators Odegaard, Donohue and Clarke (by Legislative Budget Committee request): Establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions.	93	559	.....	.....	841, 1441	.....	.....	.....	.....	.....

2169. Senators Talley and Peterson: Amending law authorizing disposal of gravel and sand from state shorelands onto private property.	93	319				562								
2169. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senators Talley and Peterson): Amending law authorizing disposal of gravel and sand from state shorelands onto private property.					562	562, 750	1610	562, 750, 1610	HCR 26, 711, 1609	1628	1752	Signed p. 2003 CH. 87X		
2170. Senators Bottiger, Goltz, Sellar, Bausch, Guess, North, von Reichbauer, and Bluechel: Permitting certain relief against unwarranted delay in shoreline development.	98													
2171. Senators Beck, Wanamaker and Bluechel: Authorizing the utilities and transportation commission to adopt rules to clearly enumerate the types of vehicles which must stop at railroad crossings.	94	170	314, 323	314, 323		315	323		682	684	697	Signed p. 956 CH. 78		
2172. Senators Talley, Day and Buffington: Licensing acupuncturists.	94	346	459, 495, 766, 777	495, 750, 777		459, 751, 765, 766, 2323	496, 778, 2323	HCR 26, 711, 2323		2336	2465	Signed p. 2724 CH. 233X		
2173. Senator Rasmussen: Providing an election before the adoption of a utility local improvement district.	94													
2174. Senators Van Hollebeke, Talley and North: Raising the per diem compensation for members of board of water commissioners.	94	346	567, 574, 578	578, 778		567, 575, Returned to Rules 6-21-77	580, 778	HCR 26, 711, HCR 35, 3104						
2175. Senator Rasmussen: Allowing beer and wine to be served in containers other than glasses or bottles.	94	261	338, 370, 518	518, 766		338, 370, 371, 424	519, 766	HCR 26, 711, 1079		1080	1119	Signed p. 1230 CH. 9X		

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2176. Senators Herr, North, von Reichbauer and Bluechel: Authorizing immediate response to any minor or major oil spill and providing for an oil transfer fee to produce the required funds therefor.	94									
2177. Senator Herr: Imposing a mandatory period of confinement for any person convicted of two or more felonies.	95									
2178. Senators Day, von Reichbauer, Van Hollebeke and Gould: Providing for physician's trained intravenous therapy technicians and airway management technicians.	95									
2179. Senators Bausch, Rasmussen and Odegaard: Authorizing certain state employees to receive remuneration for unused sick leave under certain conditions.	95	953			2391					
2179. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Bausch, Rasmussen and Odegaard): Authorizing certain state employees to receive remuneration for unused sick leave under certain conditions....			2392, 2393	2394	2392, Returned to Rules 6-21-77	2394	HCR 35, 8104			

2180. Senators Bottiger and Benitz (by Utilities and Transportation Commission request): Increasing the maximum limit for revenue of small water companies not subject to regulation.	95	277	427	427, 767	.....	427, 767	HCR 26, 711, 1591	1591	1622	Signed p. 1909 CH. 47X
2181. Senators Sandison and Washington (by Department of Natural Resources request): Changing the bonding requirements for surface mining.	95	191	589	590	.....	590	682	684	697	Signed p. 916 CH. 66
2182. Senators Henry and Bluechel (by Utilities and Transportation Commission request): Increasing operating tax on certain transportation companies.	95	450	1097	1097	.....	1097	1591	1591	1622	Signed p. 1909 CH. 48X
2183. Senators Woody and Van Hollebeke: Increasing court transcript filing fee.	95	420	.....	.....	.....	.....	.....	.....	.....	Signed p. 1230 CH. 11X
2184. Senators Marsh, Jones and Bottiger: Making certain changes in the laws relating to the registration of contractors.	95	389	562, 583, 591	583, 592, 846	563, 601	592, 602, 767, 846	HCR 26, 711, 1119	1119	1127	Signed p. 1230 CH. 11X
2185. Senators McDermott and Gould: Permitting aliens to teach in the common school system..	96	307, 2185, 2668	572, 573, 593	572, 593, 767	573, 2050, 2543, 2668	572, 593, 767, 2668	HCR 26, 711, 2050, 2244, 2542, 2667	2716	2747	Signed p. 8124 CH. 340X
2186. Senators Guess and Washington: Exempting solar heating and energy saving improvements from the sales and use tax.	96	1189	.....	.....	1580	.....	.....	.....	.....	.....
2186. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senators Guess and Washington): Exempting solar heating and energy saving improvements from the sales and use tax. ....	.....	.....	1580	1530	2244, 2894, Returned to Rules 6-21-77	1530	2892, HCR 35, 3104	.....	.....	.....
2187. Senators Ridder, Woody and Grant: Establishing responsibility for injury to railroad personnel.	96

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2188. Senators Woody, Henry, Marsh and von Reichbauer: Providing for national guard scholarships.	96	191
2189. Senators Guess, Benitz, Henry, Hayner and Donohue: Adopting the international registration plan.	96	504	768	768	1770	768, 1770	1768	1774	1960	Signed p. 2003 CH. 92X
2190. Senators Rasmussen, Henry and Benitz: Updating certain laws pertaining to veterans and veterans' affairs.	96	261	392	398	.....	393	650	650	683	Signed p. 853 CH. 81
2191. Senators McDermott and Wojahn: Providing certain school districts be divided into director districts.	97	.....	.....	.....	.....	.....	.....	.....	.....	.....
2192. Senators Woody, Clarke and Rasmussen: Liberalizing the mutual savings bank law.	97	.....	.....	.....	.....	.....	.....	.....	.....	.....
2193. Senators Francis, Pullen, Herr and Benitz: Removing the criminal sanctions relating to the operation of a motorcycle while not wearing a helmet.	97	389	.....	.....	.....	.....	.....	.....	.....	.....
2194. Senators Woody and Donohue: Requiring cities to negotiate filing fee for justice court hearing cases involving city ordinance violations.	97	583	1428	1428	Returned to Rules 6-21-77	1428	HCR 85, \$104	.....	.....	.....

2195. Senators Woody, Clarke and Bottiger: Authorizing notary stamps to be smaller or rectangular.	97	533	602	602, 768	Returned to Rules 6-21-77	602, 768	HCR 26, 711, HCR 35, 3104	.....	.....	.....
2196. Senators Woody, Clarke and Bottiger: Increasing civil courts filing fees.	98	533	920	920	1614	920	1614, 1750	1751	1774	Signed p. 2081 CH. 107X
2197. Senators Woody and Jones: Revising laws regulating escrow officers and agents.	98	1011	.....	.....	1197	.....	.....	.....	.....	.....
2197. (SUBSTITUTE) Committee on Financial Institutions and Insurance (originally sponsored by Senators Woody and Jones): Revising laws regulating escrow officers and agents. ....	.....	.....	1197	1198	2029	1198, 2029	2019	2064	2081	Signed p. 8111 CH. 156X, PV
2198. Senators Talley and Odegaard: Authorizing Lower Columbia community college to make certain site acquisitions.	98	191	.....	.....	.....	.....	.....	.....	.....	.....
2199. Senator Lewis: Making more specific the degree of alcoholism which prevents a person from getting a driver's license.	102	491	764	765	2034	765, 2034	2033	2064	2081	Signed p. 2364 CH. 162X
2200. Senators Sandison, Ridder and Odegaard (by Department of Natural Resources request): Creating a resource management land bank...	102	420	590, 768	590	.....	590, 768	HCR 26, 711, 1773	1774	1960	Signed p. 2145 CH. 109X
2201. Senators McDermott, Murray and Gaspard (by Superintendent of Public Instruction request): Implementing law relating to transportation of pupils in common schools and reimbursement to school districts therefor.	102	307	551	551	689	551, 689	689	698	705	Signed p. 956 CH. 80
2202. Senators Donohue and Odegaard (by Department of Natural Resources request): Regulating funds and properties managed by the department of natural resources.....	103	546	764	764	764	2000	2036	2081	Signed p. 2364 CH. 159X

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2203. Senators North, Bailey and Bluechel: Authorizing general obligation bonds for outdoor recreation purposes and requiring approval of the people.	103	1037								
2204. Senators Lewis, Donohue, Keefe and Buffington: Making it a gross misdemeanor to solicit a ride if under age 18 or to give or offer a ride to a person under the age of 18.....	103									
2205. Senators Woody, Clarke and Francis: Adding judges to King county superior court.....	103									
2206. Senators Woody, Jones, Buffington, Francis and Bottiger: Authorizing salary adjustments for official court reporters.	103	812								
2207. Senators Goltz, Hayner, Wilson, Ridder, North, Guess, Buffington, Wojahn, Pullen and Day: Withholding salary warrants of department personnel until timely payment is made to all vendors for personal services.	103	492	818, 841	819, 842	820, 841, Returned to Rules 6-21-77	842	HCR 35, 3104			
2208. Senators Gaspard, Wilson and Benitz: Amending miscellaneous agricultural laws relating to weeds, seeds, marketing agreements, horticultural districts, and weights and measures...	104	182	549	549, 779	1327, 1496	779, 1496	HCR 26, 549, 711, 1327, 1496, 1526	1528	1561	Signed p. 1608 CH. 26X

2224. Senators Lewis, Wojahn, Pullen, Odegaard, Beck and Hayner: Requiring proof of financial responsibility as a condition precedent for getting a driver's license.	143					150														
2225. Senator Donohue: Providing for Washington State University Tree Fruit Center funding....	148	191	389			389	389	638	638	684										Signed p. 853 CH. 32
2226. Senators Ridder, Bottiger and Grant: Increasing the maximum weekly unemployment compensation benefit.	148																			
2227. Senators Ridder, Bailey and Bottiger: Revising the state unemployment compensation laws....	148																			
2228. Senators Pullen and Clarke (by State Parks and Recreation Commission request): Revising the penalty for a winter recreational parking violation.	144	420																		
2229. Senator Beck: Providing for the regulation of motor vehicle towing.	144																			
2230. Senators Marsh, Talley and Henry: Authorizing cities, counties, and/or public transportation agencies of contiguous states to enter into agreements for operation of bus service.....	144	278	427	428, 780		Returned to Rules 6-21-77	428, 780			HCR 26, 711, HCR 85, 8104										
2231. Senators Talley, Rasmussen and Benitz: Revising the military service credits provisions of the public employment retirement systems....	144																			144 - 148
2232. Senators Mardesich, von Reichbauer, Grant, Murray, Herr, Matson, Day, Odegaard and Fleming: Providing for educational clinics and authorizing state aid for students enrolled therein.	154	954, 1887																		148, 154, 2082

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2232. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Mardesich, von Reichbauer, Grant, Murray, Herr, Matson, Day, Odegaard and Fleming): Providing for educational clinics and authorizing state aid for students enrolled therein.....		2990	2088, 2991	2088	2866-2867, 2991, 2999	2088	2868, 3001	3108	3108	Signed p. 8124 CH. 341X
2233. Senators Woody, Henry, Sandison and Peterson: Establishing a new game commission.....	148									
2234. Senators Woody, Scott, McDermott and Fleming: Authorizing the county legislative authority to contract or retain legal services.....	149									
2235. Senators Day, McDermott and Buffington (by Office of Program Planning and Fiscal Management request): Authorizing a social and health services facilities bond issue.....	149	1662			1559, 2385					
2235. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Day, McDermott and Buffington) (by Office of Program Planning and Fiscal Management request): Authorizing a social and health services facilities bond issue.....			2885	2885	2998	2385, 2998	2992	3001	3092	Signed p. 8124 CH. 342X

2236. Senators Day, Jones, von Reichbauer, Gould, Buffington, Ridder and Herr: Subjecting vendors to certain provisions relating to welfare fraud.	149											
2237. Senators Talley, Gaspard and Donohue: Requiring labeling of Indian artifacts offered for sale.	149											
2238. Senator Day: Authorizing certain substitutions in prescription drugs.	149											
2239. Senators Day, Ridder and Buffington: Requiring hospitals to permit licensed podiatrists to use their facilities subject to regulation by medical and podiatric staff.	149	1045										
2240. Senators Rasmussen and Newschwander: Allowing wage deductions for the combined health agencies program from the wages of public employees.	149											
2241. Senators Day, von Reichbauer and Herr: Permitting use of Laetrile.	149	420	1005, 1016	1017	1008, 1790	1017, 1790	1789	1880	1917		Signed p. 2182 CH. 122X	
2242. Senators Peterson, Newschwander and Odegaard (by Office of Program Planning and Fiscal Management request): Authorizing a capital projects bond issue for fisheries.....	149	1647	2885	2386	1562	2386	2991	3001	3092		Signed p. 3124 CH. 348X	
2243. Senators Rasmussen, Bausch and Newschwander: Providing enforcement of state personnel laws.	154											
2244. Senators Henry, Guess and Beck (by Department of Motor Vehicles request): Revising laws governing car dealers and salesmen.	154	1147			1359							

2249. Senators Wanamaker, Day, Hayner, Wilson, Sellar, Morrison and North: Adjusting upward amounts exempt from inheritance taxation, including amounts inherited through insurance.	156												
2250. Senators McDermott, Bluechel and North: Directing enforcement of no smoking rules and providing penalties for their violation.....	156	1208											
2251. Senators Bottiger, Gaspard, Benitz, Morrison and Woody: Removing minimum wage restrictions on seasonal employees at agricultural fairs.	156	307	568	568, 780	993	568, 780, 993	HCR 26, 711, 993	995	1012		Signed p. 1046 CH. 4X		
2252. Senator Herr: Regulating the auto repair industry.	156												
2253. Senator Beck: Providing additional funding for highway safety program.	156												
2254. Senator Hayner: Permitting the use in evidence of blood sample reports of the state toxicologist.	156	332	885	886		886	1591	1591	1622		Signed p. 1909 CH. 50X		
2255. Senators Woody and Clarke: Extending the definition of the "funds" of a mutual savings bank.	156												
2256. Senator Rasmussen: Decreasing the inspection fee for vehicle titles.	156												
2257. Senators Clarke, Woody, Guess, von Reichbauer, Jones, Bluechel, Henry and Mardesich: Establishing commercial zones and terminal areas for motor freight carriers.	157												
2258. Senators Rasmussen, Newschwander and Bailey (by State Treasurer request): Allowing state, county, and municipal treasurers to transfer public funds electronically.	157	289	576	576, 781		576, 781	HCR 26, 711, 1261	1262	1319		Signed p. 1483 CH. 15X		

2266. Senators Marsh, Matson, Fleming, Buffington and Day: Providing state support for public libraries.	158																			
2267. Senators Bausch, Ridder and Talley: Increasing the mileage allowance.	158	799				1199														
2267. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Bausch, Ridder and Talley): Increasing the mileage allowance.				1199	1199	Returned to Rules 6-21-77		1199	HCR 35, 3104											
2268. Senators Bausch, Ridder and Talley: Increasing per diem.	158	799				1199														
2268. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Bausch, Ridder and Talley): Increasing per diem.		2530	1199	1199	1957, 2054, 2530	1199, 2530	1956, 2183, 2529	2653	2665											Signed p. 3000 CH. 312X
2269. Senators McDermott, Murray and Gaspard (by State Board of Education request): Authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade.	158	546				1441														
2270. Senators Sandison, Guess and Odegaard: Authorizing exemption from fees in institutions of higher education for nonfaculty employees.	163																			
2271. Senators Donohue, Matson and Odegaard (by Office of Program Planning and Fiscal Management request): Authorizing state buildings and facilities construction general obligation bonds.	163																			
2272. Senators Donohue, Matson and Odegaard (by Office of Program Planning and Fiscal Management request): Authorizing bonds for WSU construction.	163	1647	2388	2388				2388	2991	3001	3092									Signed p. 3124 CH. 344X

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2273. Senators Sandison and Donohue: Providing for tuition and fees for students participating in a joint program conducted by two or more institutions of higher education.	164	346	586	586, 781	1838	586, 781, 1839	HCR 26, 711, 1838	1880	1917	Signed p. 2182 CH. 126X
2274. Senators Donohue, Matson and Odegaard (by Office of Program Planning and Fiscal Management request): Authorizing general obligation bonds for institutions of higher education facilities.	164	1647			2386					
2274. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, Matson and Odegaard) (by Office of Program Planning and Fiscal Management request): Authorizing general obligation bonds for institutions of higher education facilities... ..			2386	2387	2993	2387, 2993	2993	8001	8092	Signed p. 3124 CH. 345X
2275. Senators Goltz and Sandison: Increasing dollar amount of capital construction projects of institutions of higher education before same have to be put out for public bids.	164									
2276. Senators Herr, von Reichbauer and Day: Providing state aid for hemophilla victims.	164	559			820					

2277. Senators Donohue, Odegaard and Matson (by Office of Program Planning and Fiscal Management request): Authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects.	164	1648	2387	2388	.....	2388	2991	3001	3092	Signed p. 3124 CH. 346X
2278. Senators North, Francis and Bluechel: Establishing a presidential preference primary.....	164	.....	.....	.....	.....	.....	.....	.....	.....	.....
2279. Senators Benitz and Hayner: Authorizing four judges of the superior court for Benton-Franklin counties jointly.....	164	.....	.....	.....	.....	.....	.....	.....	.....	.....
2280. Senator Pullen: Transferring Northern state hospital to the department of social and health services for use as a minimum security correctional institution.	164	.....	.....	.....	.....	.....	.....	.....	.....	.....
2281. Senator Beck: Licensing and regulating motor vehicle repair establishments.	165	.....	.....	.....	.....	.....	.....	.....	.....	.....
2282. Senator Grant: Simplifying reporting requirements for campaign treasurers.	165	278, 2435, 2528	871	871	2010, 2045, 2244, 2442, 2528	871, 2528	2008, 2244, 2426, 2435, 2528	2653	2665	Signed p. 3000 CH. 313X
2283. Senators Ridder, Gould, Goltz, Day, McDermott and Murray: Waiving community college fees for students registered to complete high school education.	165	389	.....	.....	.....	.....	.....	.....	.....	.....
2284. Senators Odegaard and Donohue (by Department of Natural Resources request): Regulating the transfer of state forest lands to counties for park purposes.	165	546	.....	.....	1246	.....	.....	.....	.....	.....
2285. Senators Grant, Clarke and von Reichbauer: Revising the law on the disclosure of public records.	165	546

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2286. Senators Odegaard and Francis: Revising law relating to regulation of the funeral business..	165	420	842	843	1685	843, 1635	1681	1664	1753	Signed p. 2003 CH. 93X
2287. Senator Grant: Establishing open primaries....	165	505	.....	.....	.....	.....	.....	.....	.....	.....
2288. Senators Talley, Bluechel and Fleming (by Office of Program Planning and Fiscal Management request): Regulating the conduct of various censuses.	166	533	1200	1200	.....	1200	1773	1774	1960	Signed p. 2145 CH. 110X
2289. Senator Grant: Clarifying which appointed officials must disclose their finances.	166	320	.....	.....	.....	.....	.....	.....	.....	.....
2290. Senators Francis and Van Hollebeke (by Judicial Council request): Allowing contribution and apportionment among tortfeasors.....	170	.....	.....	.....	.....	.....	.....	.....	.....	.....
2291. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Extending jurisdiction of courts.	170	.....	.....	.....	.....	.....	.....	.....	.....	.....
2292. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Increasing homestead exemption.	170	533	591	591, 782	Returned to Rules 6-21-77	591, 782	HCR 26, 711, HCR 35, 3104	.....	.....	.....

2293. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Decriminalizing certain traffic offenses.	170	1057	1429	1429	Returned to Rules 6-21-77	1429	HCR 35, 3104			
2294. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Pertaining to selection of jurors.	170	608	843	843	Returned to Rules 6-21-77	843	HCR 35, 3104			
2295. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Allowing joinder or cross-filing by additional parties in action to review administrative decision.	171	622	859	859		859	1591	1591	1622	Signed p. 1909 CH. 52X
2296. Senator Van Hollebeke (by Judicial Council request): Establishing "contributory fault".....	171									
2297. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Allowing electronic recordings of superior court trails.....	171	813	1047	1050	1051, 1062	1050				
2298. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Implementing code of professional responsibility criteria in awarding reasonable attorney's fees in eminent domain cases.	171									
2299. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Allowing review of agency action in the court of appeals.....	171	623	859	859	Returned to Rules 6-21-77	860	HCR 35, 3104			
2300. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Modifying the collection of jury costs.	171	420	570	570, 782		570, 782	HCR 25, 711, 1591	1591	1622	Signed p. 1909 CH. 53X
2301. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Increasing witness fees.	171	421	1009	1009		1009	1608	1616	1623	Signed p. 1909 CH. 54X
2302. Senators Francis, Clarke and Van Hollebeke (by Judicial Council request): Modifying the fee for a writ of garnishment.	171	421	973	973		973	1608	1616	1623	Signed p. 1909 CH. 55X

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2318. Senator North: Increasing fees paid local registrars for certain vital statistics documents...	184	346
2319. Senator North: Regulating vital statistic documents issued by the state registrar.	184	.....	.....	.....	.....	.....	.....	.....	.....	.....
2320. Senators McDermott and Gould (by State Board of Education request): Changing procedure for election of educational service district board members.	184	.....	.....	.....	.....	.....	.....	.....	.....	.....
2321. Senators McDermott, Gould and Gaspard (by Superintendent of Public Instruction request): Authorizing transfer of certain powers and duties to, and implementing the powers and duties of, educational service districts.	184	.....	.....	.....	.....	.....	.....	.....	.....	.....
2322. Senators Francis and Scott: Providing for extension of judgments in justice courts.	184	347	.....	.....	561	.....	.....	.....	.....	.....
2323. Senators Bluechel, Francis and Talley: Authorizing courts to grant grandparents visitation rights.	184	694	1025, 1039	1040	1026, Returned to Rules 6-21-77	1040	HCR 35, 3104	.....	.....	.....
2324. Senator Hayner: Providing an alternative method of giving notice of a materialman's lien.	185	389	585	585, 784	.....	585, 784	HCR 26, 711, 1608	1616	1623	Signed p. 1909 CH. 57

2325. Senators Wilson, Talley, Sellar, Bluechel, Walgren, McDermott, Guess, North, Rasmussen, Bailey and Fleming: Requiring the preparation of fiscal notes on proposed legislation relating to cities, towns, counties, and other units of local government.	185	290	404	405, 784	1322	406, 784, 1322	HCR 26, 712, 1322	1348	1352	Signed p. 1520 CH. 19X, PV
2326. Senators Rasmussen, Newschwander, Mardesich and Donohue (by Lieutenant Governor request): Requiring disclosure of outside employment and contracts of public employees...	185									
2327. Senators Rasmussen, Newschwander, Mardesich, Donohue and Odegaard (by Lieutenant Governor request): Reviewing personal service contracts of the executive and judicial branches.	185	347	1331	1331	Returned to Rules 6-21-77	1331	HCR 35, 3104			
2328. Senators Donohue and Guess: Authorizing the chief of the Washington state patrol to determine proposed rates of compensation for patrol officers.	185	581	1340	1340	Returned to Rules 6-21-77	1340	HCR 35, 3104			
2329. Senators Guess, Henry, Buffington and Beck: Exempting construction on the Fauntleroy state ferry dock from the requirements of the environmental policy act and the shoreline management act.	185									
2330. Senators Goltz, Scott, Francis and Murray: Enacting the Marihuana Education and Control Act of 1977.	185									
2331. Senators Goltz, Pullen and Van Hollebeke: Permitting certain traffic offenders to plea by mail rather than requiring appearances.	185	534	1331	1331	Returned to Rules 6-21-77	1332	HCR 35, 3104			
2332. Senators Bailey, Goltz, Buffington and McDermott: Establishing the Washington state commission for the blind.	185	695	1108	1108	Returned to Rules 6-21-77	1108	HCR 35, 3104			

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2333. Senators Hayner, Donohue and Morrison: Ex- tending the time for filing agricultural liens...	186									
2334. Senators Bottiger, Francis and Hayner: Revis- ing law relating to eminent domain.....	186									
2335. Senators Rasmussen, Wojahn and Lewis: Re- quiring cabooses to be equipped with air re- lease whistles.	194									
2336. Senators Rasmussen, Newschwander, Cunning- ham and Day (by State Treasurer and State Finance Committee request): Giving the state finance committee full authority to invest retirement funds.	194	492			1430					
2337. Senators Talley and Odegaard: Adding a su- perior court judge to Cowlitz county.....	194									
2338. Senators Walgren, Day and North: Permitting additional cost factors to be considered when dealing with sheltered workshops.	194	307	404	404, 802		404, 802	HCR 26, 712, 1104	1117	1126	Signed p. 1230 CH. 10X
2339. Senators Cunningham, Mardesich, Rasmussen and Guesz: Prescribing rights of property owners.	195	389, 963			794, 1413					

2339. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Cunningham, Mardesch, Rasmussen and Guess): Prescribing rights of property owners.	1413	1413			Returned to Rules 6-21-77	1413	HCR 35, 3104			
2340. Senators Peterson, Wanamaker and Talley (by Department of Game request): Requiring knowledge of trapping techniques for a trapping license in certain cases.	195									
2341. Senators Peterson, Wanamaker and Talley (by Department of Game request): Allowing the director of game to determine the time and place of the drawing in special hunting seasons.	195	333	428	428, 803		428, 803	HCR 26, 712, 1608	1616	1623	Signed p. 1909 CH. 58X
2342. Senators Peterson, Wanamaker and Talley (by Department of Game request): Prohibiting the acquisition or possession of a hunting or fishing license using false information or after revocation.	195	333	494	494, 803	Returned to Rules 6-21-77	495, 803	HCR 26, 712, HCR 35, 3104			
2343. Senators Peterson, Wanamaker and Talley (by Department of Game request): Allowing a game commission determination of the quantity of wild animals that may be taken.	195									
2344. Senators Peterson, Wanamaker and Talley (by Department of Game request): Prohibiting the application of the distribution percentage to fines and forfeitures transmitted to the director of game.	195	333	566	573, 803	566	574, 804	HCR 26, 712, 1608	1616	1623	Signed p. 1909 CH. 59X
2345. Senators Peterson, Wanamaker and Talley (by Department of Game request): Penalizing the taking of bear and cougar during closed season.	195									
2346. Senators Peterson, Wanamaker and Talley (by Department of Game request): Prohibiting the possession of bear and cougar during the closed season.	195									

2369. Senators Grant, Rasmussen, Talley and Ridder: Authorizing adjustments of workmen's compensation payments.	213												
2370. Senators Grant, Wojahn, Day and von Reichbauer: Eliminating rotation of candidates' names on the primary ballot.	213												
2371. Senators Walgren, Henry and Guess: Updating the Model Traffic Ordinance.	214	505	726	726	726	1608	1616	1623				Signed p. 1909 CH. 60X	
2372. Senators Grant, Marsh, Day, Keefe, Goltz and McDermott: Mandating certain public agencies to make surplus books, equipment, etc. available at depreciated cost to private schools.....	214	954											
2373. Senators Grant, Day, Van Hollebeke, Keefe, Goltz and McDermott: Implementing law relating to providing of courses and ancillary services to private school students by the public schools.	214	954		1464, 1494									
2373. (SUBSTITUTE) Committee on Education (originally sponsored by Senators Grant, Day, Van Hollebeke, Keefe, Goltz and McDermott): Implementing law relating to providing of courses and ancillary services to private school students by the public schools.			1495	1495	Returned to Rules 6-21-77	1495	HCR 35, 8104						
2374. Senators Guess and Peterson (by Department of Highways request): Standardizing low clearance signing and increasing certain weight limits.	214	320	457	458	689	459, 689	689	698	705			Signed p. 956 CH. 81	
2375. Senators Beck, Wanamaker and Bottiger (by Department of Highways request): Authorizing the sale of general obligation bonds and the use of proceeds for the acquisition of new ferry vessels.	214	347			969								

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2375. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Beck, Wanamaker and Bottiger) (by Department of Highways request): Authorizing the sale of general obligation bonds and the use of proceeds for the acquisition of new ferry vessels.			969	969	Returned to Rules 6-21-77	970	HCR 35, 3104			
2376. Senators Beck, Wanamaker and Bottiger (by Department of Highways request): Providing that highway and ferry bonds which are authorized and which pledge motor vehicle excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues of such motor vehicle fuel excise taxes.	214	875, 813, 879				1393				
2376. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senators Beck, Wanamaker and Bottiger (by Department of Highways request): Providing that highway and ferry bonds which are authorized and which pledge motor vehicle excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues of such motor vehicle fuel excise taxes.			1393, 1403	1399, 1403	1394, 1399, 1403 Returned to Rules 6-21-77	1403	HCR 35, 3104			

2377. Senators Rasmussen and Henry: Revising authority for certain class H liquor licenses.....	214	389	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2378. Senators Lewis, Keefe, Guess and Day (by Department of Highways request): Extending state route 290 in Spokane.	214	333	577	577, 804	.....	577, 805	HCR 26, 712, 1061	1062	1079	Signed p. 1139 CH. 6X	.....	.....
2379. Senators Francis and Herr: Regulating naturopathic physicians.	215	937	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2380. Senators Woody, Ridder and Morrison: Limiting permissible wage deductions.	215	308	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2381. Senators Gaspard and Cunningham: Increasing the amount of interest to be included with refunded taxes.	215	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2382. Senators Gaspard, von Reichbauer, Wojahn, Goltz and Peterson: Authorizing senior citizen passports for admission to and use of state parks.	215	421	.....	.....	.....	597	.....	.....	.....	.....	.....	.....
2382. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senators Gaspard, von Reichbauer, Wojahn, Goltz and Peterson): Authorizing senior citizen passports for admission to and use of state parks. ....	.....	2652, 2716	597	597, 805	1839, 2184, 2653, 2716	805, 2717	HCR 26, 712, 2652, 2716	2730	2747	Signed p. 3123 CH. 330X	.....	.....
2383. Senators Woody, Donohue, Scott and Clarke (by Legislative Budget Committee request): Providing for salary surveys and incentive pay for public employees.	215	695	.....	.....	.....	1292	.....	.....	.....	.....	.....	.....
2383. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Woody, Donohue, Scott and Clarke) (by Legislative Budget Committee request): Providing for salary surveys and incentive pay for public employees.	1292	1292	1877, 1970	1292, 1970	1868, 1970	2000	2063	Signed p. 3112 CH. 152X, PV

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2384. Senators Marsh, Matson and Grant (by Department of Labor and Industries request): Changing the time for renewal of registration certificates of contractors.	216	347	460	460, 805	460, 806	HCR 26, 712, 1608	1616	1623	Signed p. 1909 CH. 61X
2385. Senators Henry, Beck and Clarke (by Department of Highways request): Modifying the design procedure for limited access highways.	216	308	425	425	.....	425	683	684	698	Signed p. 956 CH. 77
2386. Senators Beck, Sellar and Wanamaker (by Department of Highways request): Modifying procedures for construction and maintenance of highways.	216	308	555	555	.....	556	.....	.....	.....	.....
2387. Senators Grant and Morrison (by Department of Labor and Industries request): Regulating mobile homes.	216	347	604	605, 806	600-601	605, 806	HCR 26, 712, 1319	1320	1352	Signed p. 1503 CH. 21X
2388. Senators Clarke, Donohue and Scott (by Legislative Budget Committee request): Revising the system of personnel administration.....	216	.....	.....	.....	.....	.....	.....	.....	.....	.....
2389. Senator Day: Providing for payment of fees for state laboratory services.	236	695	.....	.....	1480	.....	.....	.....	.....	.....
2389. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senator Day): Providing for payment of fees for state laboratory services. ....	.....	.....	1481	1481	Returned to Rules 6-21-77	1481	HCR 85, 3104	.....	.....	.....

2390. Senator Day: Revising the limiting age for child welfare services.	236	695	.....	.....	.....	.....	.....	.....
2391. Senator Day: Permitting out of state persons to use certain state schools or services upon payment of fees.	236	.....	.....	.....	.....	.....	.....	.....
2392. Senator Day: Excluding hearings provided to prisoners from applications of administrative procedure act.	236	879	.....	.....	.....	.....	.....	.....
2393. Senator Day: Revising eligibility requirements for food stamps.	236	.....	.....	.....	.....	.....	.....	.....
2394. Senator Day: Revising hearing procedures on public assistance cases.	236	695	.....	.....	.....	.....	.....	.....
2395. Senators Talley, Bausch and Guess (by Department of Labor and Industries request): Authorizing the department of labor and industries to insure employers against liability for compensation and benefits for injuries and death under the federal longshoremen's and harbor brokers' compensation act.	246	.....	.....	.....	.....	.....	.....	.....
2396. Senators Odegaard and Talley: Establishing state route 408.	247	.....	.....	.....	.....	.....	.....	.....
2397. Senators Fleming, Ridder and McDermott: Giving tenants a priority for purchasing highway lands.	247	.....	.....	.....	.....	.....	.....	.....
2398. Senators Matson, Marsh and Walgren: Allowing compensation of members of county planning commissions and boards of adjustments.	247	347	.....	.....	.....	.....	.....	.....
2399. Senators Bausch, Pullen and Rasmussen: Making the day before a legal holiday which falls on Saturday a holiday.	247	879	.....	1107	.....	.....	.....	.....

2405. Senator McDermott: Mandating rules and regulations for voluntary transfer of students between school in same school district.	248	954	.....	1362-1363	.....	.....	.....	.....	.....	.....
2405. (SUBSTITUTE) Committee on Education (originally sponsored by Senator McDermott): Mandating rules and regulations for voluntary transfer of students between school in same school district. ....	.....	.....	1363, 1404	1363, 1404	1364	1405	2364	.....	.....	.....
2406. Senator Day (by Department of Social and Health Services request): Revising support to counties for juvenile probation services.....	248	879	.....	.....	.....	.....	.....	.....	.....	.....
2407. Senators Rasmussen, Wanamaker and Henry: Revising requirements for liquor licenses.....	248	390	.....	.....	248	.....	.....	.....	.....	.....
2408. Senators Henry, Wanamaker and Rasmussen: Establishing a charge for pamphlets of liquor regulations.	248	390	596	597, 807	248	597, 807	HCR 26, 712, 1774	1774	1960	Signed p. 2146 CH. 115X
2409. Senator Day (by Department of Social and Health Services request): Relating to earned income exemption for certain public assistance applicants.	249	.....	.....	.....	.....	.....	.....	.....	.....	.....
2410. Senators Day, Grant and Herr: Establishing a gambling area within the state to be known as the Washington Bazaar.	249	.....	.....	.....	.....	.....	.....	.....	.....	.....
2411. Senators Bottiger, Grant and Peterson: Modifying the law on recreational vehicles.	249	534	.....	.....	.....	.....	.....	.....	.....	.....
2412. Senators Donohue, Henry, Peterson, Herr and Benitz: Transferring certain powers and duties of the department of ecology to the department of natural resources.	263	.....	.....	.....	260	.....	.....	.....	.....	.....
2413. Senator Van Hollebeke: Extending the superior court jury selection process to district courts..	250

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2414. Senator Rasmussen: Requiring school districts, colleges and universities, and community colleges to present their rules and regulations on sabbatical and other leaves to the legislature for its approval, rejection, or modification.....	250									
2415. Senators Walgren, Woody, Hayner and Henry: Requiring bonds for the cost of successfully defending civil actions against law enforcement officers.	250									
2416. Senators Walgren, Woody, Clarke and Henry: Providing a forfeiture hearing before the seizing agency to person whose property has been seized under the controlled substances act.	250	813	988	988		988	1608	1616	1623	Signed p. 1908 CH. 77X
2417. Senators Walgren, Clarke, Bailey and Henry: Revising laws on driving while under the influence of liquor or drugs.	250									
2418. Senators Walgren, Murray, Woody, Clarke and Henry: Revising the laws relating to criminal justice training.	250	505	587, 855	589, 856	855, 2085	859, 856, 2085	HCR 26, 712, 2084	2150	2248	Signed p. 2527 CH. 212X
2419. Senators Woody, Clarke, Francis and Herr: Excluding law enforcement officers from the prohibition on recording private communications.	251	584, 2741, 2815	875	876	2092, 2245, 2745, 2815	876	2087, 2448, 2741, 2815	2882	2857	Signed p. 3125 CH. 363X

2420. Senators Marsh, Clarke, Talley, Bailey, Herr, Woody and Jones: Authorizing and setting forth rights and powers of central credit union.	251	1148	.....	.....	.....	.....	.....	.....	.....	.....	.....
2421. Senators Goltz, Lewis and North: Authorizing local governments to employ hearing examiners to hear applications for amending zoning ordinances.	251	348, 2051, 2184	569, 584	584, 808	570, 808, 1637, 1771, 2053, 2185	584, 808, 2185	HCR 26, 712, 1635, 1770, 2051, 2184	2250	2282	Signed p. 2527 CH. 218X	
2422. Senators North, Mardesich, Jones and Herr: Prohibiting the mandatory retirement of public employees under the age of seventy.	263	1730	2308	2309	Returned to Rules 6-21-77	2309	HCR 35, 3104	.....	.....	.....	.....
2423. Senators McDermott, Bailey, Gould, Grant, Murray, Bottiger, Morrison and Fleming: Setting forth the Citizens for Fair School Funding Educational Accountability Act of 1977.....	263	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2424. Senators McDermott, Bailey, Gould, Grant, Murray, Bottiger, Morrison and Fleming: Providing the Citizens for Fair School Funding Basic Program of Education Act of 1977.	263	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2425. Senators Ridder and Morrison (by Department of Employment Security request): Increasing the limit on the administrative contingency fund.	264	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2426. Senators Ridder and Morrison (by Department of Employment Security request): Regulating the disclosure of the records of the department of employment security.	264	421	898, 941	898, 941	900, 1970	941, 1970	1970	2000	2063	Signed p. 2281 CH. 158X	
2427. Senators Ridder, Morrison and Grant (by Department of Employment Security request): Modifying definitions under unemployment compensation law.	264

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2428. Senators Donohue, McDermott and Newschwander (by Superintendent of Public Instruction request): Setting forth new financial equalization act for state aid to school districts.	265									
2429. Senators Francis, Buffington, Marsh, Matson and Van Hollebeke (by Department of Motor Vehicles request): Revising the regulation of charitable solicitations.	265	813	1122, 1328, 1355, 1357	1357	1123, 1330, 1355, 2250	1358, 2250	2250	2283	2442	Signed p. 2714 CH. 222X
2430. Senators Mardesich, Van Hollebeke, Grant, North, Bluechel, Rasmussen, McDermott, Lewis, Murray and Jones: Authorizing class AA or class A counties to assume the powers, functions, and obligations of a metropolitan municipal corporation.	265	915			1200					
2430. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Mardesich, Van Hollebeke, Grant, North, Bluechel, Rasmussen, McDermott, Lewis, Murray and Jones): Authorizing class AA or class A counties to assume the powers, functions, and obligations of a metropolitan municipal corporation.			1201, 1244	1201, 1244	1201, 1244, 2369	1244, 2370	2369	2406	2465	Signed p. 2724 CH. 277X
2431. Senators Marsh, Henry and Talley: Providing for the erection of a statute in statuary hall in the national capitol.	266	799			947					

2431. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Marsh, Henry and Talley): Providing for the erection of a statue in statuary hall in the national capitol.	947	950	950	1261	1262	1319	Signed p. 1483 CH. 13X
2432. Senators Grant, Gaspard, Fleming, Herr, Wojahn, von Reichbauer and Van Hollebeke: Exempting food from the sales and use taxes..	266						
2433. Senators McDermott, North, Goltz, Gaspard, Ridder, Gould, Bottiger and Jones: Modifying procedures for termination of parental rights and adoption.	266						
2434. Senators McDermott, North, Goltz, Gaspard, Ridder, Gould, Bottiger and Jones: Modifying procedures for adoption and termination of parental rights.	266						
2435. Senators Donohue, Scott and Sandison: Providing for disposition of operating fees charged at institutions of higher education.	267	390, 559	901				
2435. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, Scott and Sandison): Providing for disposition of operating fees charged at institutions of higher education.	2762, 2802	901	901	1664, 2648, 2762, 2802	902, 2802	1664, 2648, 2761, 2802	2818 2820 Signed p. 8123 CH. 331X
2436. Senators Talley and Marsh: Regulating and taxing commercial smelt fishing.	267						
2437. Senators Henry, Guess, Beck, Lewis and Woody: Enacting the interstate compact for school bus safety.	267	492	903, 905	904, 905	905, 1615	905, 1615	1615 1628 1752 Signed p. 2003 CH. 88X
2438. Senators Bottiger and Jones: Allowing variable interest rates on life insurance policy loans...	287						

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2439. Senators Buffington, Henry and Guess: Extending the obligation of urban arterial trust funds for one more year.	267	390	556	556, 808	557, 808	HCR 26, 712, 2182	2199	2282	Signed p. 2528 CH. 214X
2440. Senators von Reichbauer, Day and Goltz: Exempting caskets, etc. from sales tax.	267	.....	.....	.....	.....	.....	.....	.....	.....	.....
2441. Senators Donohue, Keefe and Gaspard: Providing for disbursement of certain funds to counties to upgrade certain horse race courses.	268	681	990	991	.....	991	2876	2891	2912	Signed p. 3125 CH. 372X
2442. Senators Donohue, Day and Matson: Supplementing rights of school districts subject to strike, work slow downs or similar concerted activities.	268	.....	.....	.....	268	.....	.....	.....	.....	.....
2443. Senators Ridder, Bailey and Sellar: Establishing an additional purpose and function of the board of electrical examiners and creating the department of labor and industries, division of building and construction safety inspection services revolving fund.	278	559	959	959	.....	959	1608	1616	1623	Signed p. 1908 CH. 79X
2444. Senator Goltz: Authorizing an involuntary sustained treatment program for recidivist alcoholics.	278	889	1201	1202	1797	1202, 1797	1797	1880	1917	Signed p. 2182 CH. 129X
2445. Senators Wojahn, Mardesich and Donohue: Regulating automotive repair.	278	1148	.....	.....	1843	.....	.....	.....	.....	.....

2445. (SUBSTITUTE) Committee on Commerce (originally sponsored by Senators Wojahn, Mardesich and Donohue): Regulating automotive repair.	2424	1843	1843	2036, 2245, 2425	1843, 2425	2036, 2245, 2424	2466	2514	Signed p. 2761 CH. 280X
2446. Senator Woody: Relating to deferred compensation.	278	681							
2447. Senators Morrison, Wilson and Benitz: Increasing the maximum allowable assessment for tree fruit.	279	421	584	584, 809	584, 809	HCR 26, 712, 1104	1117	1127	Signed p. 1230 CH. 8X
2448. Senators Mardesich, Woody and Matson (by Department of Natural Resources request): Making general revisions in the public land laws.	279	1057							
2449. Senators Ridder and Grant: Requiring certain school district labor contracts to be made by or with the consent of the bargaining representative.	279								
2450. Senators Mardesich, Woody and Matson (by Department of Natural Resources request): Revising public lands management laws.	279	1148							
2451. Senators Rasmussen, Marsh and Morrison: Allowing for a longer appeal period from actions of county boards of equalization.	281	390, 2183, 2471	576	1844, 1878, 2000, 2184, 2471	577, 809, 2471	HCR 26, 712, 1843, 2000, 2183, 2471	2514	2523	Signed p. 2761 CH. 290X
2452. Senator Goltz: Authorizing reasonable restraint of persons incapacitated by alcohol by medical personnel and limiting liability for actions in the course of official duty.	281	839	1203	1203	1203	1608	1616	1623	Signed p. 1909 CH. 62X
2453. Senators Donohue, Clarke and Henry: Modifying restrictions on small loan companies.	281	1148	1465	1467	1441, 1904	1467, 1904	1904	1918	1966 Signed p. 2243 CH. 150X

2476. Senator Grant: Permitting political parties to nominate members for the public disclosure commission.	295	560	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2477. Senators Gould, Francis, Wojahn, Goltz, McDermott, North and Ridder: Enacting the "Natural Death Act".	310	1058	.....	.....	295	.....	.....	.....	.....	.....	.....	.....	.....
2478. Senators Sandison, McDermott and Guess: Allowing institutions of higher education to collect certain debt charges if provided for in the agreement signed by the debtor.	295	391	594, 595	594, 595	595, 810	.....	595, 810	HCR 26, 712, 1261	1262	1319	Signed p. 1483 CH. 18X	.....	.....
2479. Senator Day: Allowing a monthly earned income exemption for unemployable persons under the public assistance laws.	295	635	1343	1343	.....	.....	1343	2182	2199	2282	Signed p. 2528 CH. 215X	.....	.....
2480. Senators Ridder, Grant and Bailey (by Department of Employment Security request): Revising the law on unemployment compensation...	295	1219, 1259, 2803, 2814	1296	1314	1296, 1948, 1959, 2804, 2814	.....	1314, 2814	1933, 2650, 2808, 2814	2818	2818	Signed p. 2876 CH. 292X	.....	.....
2481. Senator Grant: Changing methods of electing state and local political party leaders.	296	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2482. Senators Francis, North and Fleming: Revising laws against discrimination.	296	879	1456	.....	1457-1460	.....	.....	.....	.....	.....	.....	.....	.....
2483. Senators Bailey, Talley, North, Morrison, Buffington, Murray, Rasmussen, Peterson, Keefe, Henry, Goltz, Pullen, Wojahn, Bausch, Ridder, Herr, Fleming, Bottiger, Gaspard, von Reichbauer, Beck, Walgren, Cunningham, Wilson, Van Hollebeke, Day and Grant: Making revisions in the law enforcement officers' and firefighters' retirement system.	297	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2484. Senators Henry and Wanamaker: Modifying scope of the authority of the utilities and transportation commission to issue rules.	310	451	995	995	995	1608	1616	1623	Signed p. 1909 CH. 63X

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2485. Senators Bottiger, Guess and Wanamaker (by Department of Highways request): Modifying the methods for closing highways and restricting traffic.	310	375	1112	1114	1791	1114, 1792	1791	1880	1917	Signed p. 2182 CH. 130X
2486. Senators Bottiger, Guess and Wanamaker (by Department of Highways request): Modifying the methods for closing highways and restricting traffic.	310	375	1202	1202	.....	1203	2182	2199	2282	Signed p. 2528 CH. 216X
2487. Senators Gaspard, Lewis and Bausch: Permitting local governments greater latitude in establishing utility rates.	310	1189	.....	.....	.....	.....	.....	.....	.....	.....
2488. Senator Henry: Making certain changes in the laws relating to the calculation of retirement allowances for certain persons retired on or before May 21, 1971.	310	.....	.....	.....	.....	.....	.....	.....	.....	.....
2489. Senators Washington and Sellar: Increasing the limit above which a PUD must contract for equipment or supplies.	310	695	.....	.....	1018	.....	.....	.....	.....	.....
2489. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Washington and Sellar): Increasing the limit above which a PUD must contract for equipment or supplies. ....	.....	.....	1018	1018	.....	1022	1774	1774	1960	Signed p. 2146 CH. 116X

2490. Senators Morrison and Washington: Creating the Yakima river conservation area.	310	685	.....	.....	1420	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2491. Senators Bottiger, Lewis, Bausch and Bluechel: Extending energy facility site selections to include certain facilities handling liquified petroleum gas.	311	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2492. Senator Pullen: Enacting the Basic Education Financing Act of 1977 and making an appropriation therefor.	311	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2493. Committee on Higher Education (endorsed by Senators Sandison, Donohue, Goltz, Benitz, Odegaard, Guess and Scott): Making miscellaneous changes in community college law.....	311	534, 2455	1110	1110	1110, 1119, 1955, 2054, 2183, 2455	1119, 2455	1949, 2183, 2455	2487	2523	Signed p. 2761 CH. 282X	.....	.....	.....	.....	.....	.....	.....	.....	.....
2494. Senators Talley and Woody: Exempting qualified pension plans from garnishment and attachment.	311	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2495. Senators Talley, Herr and Keefe: Regulating beer and wine wholesale distributor franchises.	321	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2496. Senators Donohue, Scott and Ridder: Shifting the costs of fact finding and arbitration to the parties involved.	321	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2497. Senators Day, Woody and North: Authorizing reciprocity with other states in licensing of dentists.	321	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2498. Senators Rasmussen, Francis, Gould and Hayner: Providing for joint tenancy ownership of motor vehicles.	321	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2499. Senators Donohue, Rasmussen, Bausch and Woody: Abolishing the legal services revolving fund.	321	1240	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

2522. Senator Henry: Relating to transportation taxation.	351	1483			1620									
2522. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry): Relating to transportation tax.					1620	1621	2877	1621	2877, 2912	2913	2992			Signed p. 8124 CH. 332X
2523. Senator Henry: Relating to transportation....	351													
2524. Senator Henry: Relating to transportation....	351													
2525. Senator Henry: Relating to transportation studies.	351	1058					1835							
2525. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry): Relating to transportation studies.					1836	1886	2846	1886, 2847	2938	2986	2465			Signed p. 2724 CH. 235X
2526. Senator Henry: Relating to public transportation.	351													
2527. Senator Henry: Relating to motor vehicles....	351	608					1298							
2527. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry): Relating to motor vehicles.					1298, 1834, 1839, 1856	1839, 1857	1298, 1834, 1839, 2847, 2850	1857, 2850	2847	2886	2465			Signed p. 2724 CH. 236X
2528. Senator Rasmussen: Relating to state government and providing for the regulation of automated data processing.	351	1208					1495							
2529. Senator Henry: Relating to highways.	351	880					1067							
2529. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry): Relating to highways.					1067	1067		1067	2320	2321	2443			Signed p. 2714 CH. 225X
2530. Senator Henry: Relating to motor vehicles....	351	1208					1432							
2530. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry): Relating to motor vehicles.					1432	1432		1432	1609	1616	1623			Signed p. 1909 CH. 64X

2539. Senator Henry (by Executive request of Governor Ray): Relating to Washington state ferries.	352									
2540. Senator Henry (by Executive request of Governor Ray): Relating to highways.....	352									
2541. Senator Henry (by Executive request of Governor Ray): Relating to Washington state ferries.	352									
2542. Senator Henry (by Executive request of Governor Ray): Relating to Washington state ferries.	352									
2543. Senator Henry (by Executive request of Governor Ray): Relating to highways.	352	732		943						
2543. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry) (by Executive request of Governor Ray): Relating to highways.			943	943	2729	943, 2729	2728	2740	2806	Signed p. 3123 CH. 333X
2544. Senator Henry (by Executive request of Governor Ray): Relating to highways.....	352	732		943						
2544. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry) (by Executive request of Governor Ray): Relating to highways.			943	943		944	2406	2406	2465	Signed p. 2725 CH. 237X
2545. Senator Bailey: Relating to the law enforcement officers' and firefighters' retirement system.	352									
2546. Senators Sandison and Scott (by Executive request of Governor Ray): Relating to tuition and fees of the state institutions of higher education.	353									

2553. Senators Wojahn, Day and North: Revising requirements for treatment of alcoholics in certain health care and insurance plans.....	353	1020								
2554. Senators Benitz, Gaspard, Wanamaker and Morrison: Imposing a one-eighth of one percent business and occupation tax on the business of manufacturing triticale into flour.....	354	954	1365	1365	Returned to Rules 6-21-77	1366	HCR 35, 3104			
2555. Senators Sandison and Odegaard: Allowing the re-institution of proceedings for energy approval.	354									
2556. Senators Gaspard and Donohue: Establishing geographical territories for beer wholesalers..	354	797								
2557. Senators Gould and Scott: Increasing the delinquent property tax penalty to twelve percent annually of the unpaid tax.	354									
2558. Senators von Reichbauer, Ridder, Van Hollebeke, Woody, Buffington, Odegaard, Matson, Bluechel and Jones (by Executive request of Governor Ray): Renaming the department of motor vehicles.	354	560			1109					
2558. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators von Reichbauer, Ridder, Van Hollebeke, Woody, Buffington, Odegaard, Matson, Bluechel and Jones) (by Executive request of Governor Ray): Renaming the department of motor vehicles..				1109	1109	1109	2818	2832	2857	Signed p. 3123 CH. 334X
2559. Senators Sandison, Walgren and Buffington (by Executive request of Governor Ray): Creating the governor's office of citizens' affairs.....	354	799			996					

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2559. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Sandison, Walgren and Buffington) (by Executive request of Governor Ray): Creating the governor's office of citizens' affairs.		1933	996		997, 1292, 1833					
2560. Senators Walgren, Bottiger and Odegaard: Exempting long term rentals and leases of mobile homes from the retail sales tax.	354									
2561. Senators Donohue, Gaspard, Herr, Ridder, von Reichbauer, Bailey, Matson, Newschwander, Washington, Sandison, Clarke, Buffington, Hayner, Jones, Bluechel, Benitz, Odegaard, McDermott, Woody, Wojahn, Bausch, Goltz, Rasmussen, Wilson, Van Hollebeke, Guess, Gould, Morrison, Murray, Lewis, Sellar and Wanamaker: Providing for emergency cloud seeding.	356		356, 359	356, 359	357, 463	361, 463	463	464	498	Signed p. 506 CH. 8
2562. Senators von Reichbauer, Hayner and Washington: Broadening the exemption from minimum wage laws to include student employees of all educational institutions.	362									
2563. Senators Gould, Marsh and Lewis (by Secretary of State request): Requiring presidential electors to vote for their party's nominee.....	363	880	1204	1204	2350	1204, 2351	2350	2386	2465	Signed p. 2725 CH. 238X

2564. Senators Ridder, Wojahn, North, Rasmussen and Walgren: Regulating warm air heating, ventilation, and air conditioning work.....	363	1219			1492-1498														
2565. Senators Rasmussen, Herr and Buffington (by Secretary of State request): Transferring trademark and UCC duties from the secretary of state to the department of motor vehicles...	363	799			1207														
2565. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Rasmussen, Herr and Buffington) (by Secretary of State request): Transferring trademark and UCC duties from the secretary of state to the department of motor vehicles.					1207	1207		1207	1774	1774	1960								Signed p. 2146 CH. 117X
2566. Senators Benitz, Talley and Morrison: Requiring petition and election for relocation of county seat to include acknowledgement of costs involved.	363																		
2567. Senators Newschwander, Gould, North, Jones, Cunningham, Lewis, Buffington, Sellar, Matson, Bluechel, Benitz, Morrison, Hayner, Wanmaker and Murray: Providing a financial equalization program for the common school system.	364																		
2568. Senators Donohue and Mardesich: Creating a joint committee for review of administrative rules.	364																		
2569. Senators Rasmussen, Talley, Henry, Benitz and Bailey: Extending veterans' bonus.	364																		
2570. Senators Washington, Bailey and Guess: Providing for a school facilities cost stabilization program.	364	759	1206	1206	1617	1207, 1617		1617	1628	1752									Signed p. 2008 CH. 89X

2579. Senator Lewis: Relating to noise pollution....	365	696	.....	1481	.....	.....	.....	.....	.....
2580. Senators Gaspard and Wilson: Relating to agricultural water rights.	365	.....	.....	.....	.....	.....	.....	.....	.....
2581. Senator Gaspard: Relating to agriculture.	365	.....	.....	.....	.....	.....	.....	.....	.....
2582. Senator Gaspard: Relating to water rights. ...	365	.....	.....	.....	.....	.....	.....	.....	.....
2583. Senator Gaspard: Relating to pesticides.	365	.....	.....	.....	.....	.....	.....	.....	.....
2584. Senator Jones: Relating to the retirement of public employees.	365	1648	.....	.....	Referred to Rules 6-21-77	.....	.....	.....	.....
2585. Senator Henry (by Executive request of Governor Ray): Relating to state government.	366	.....	.....	.....	.....	.....	.....	.....	.....
2586. Senator Henry (by Executive request of Governor Ray): Relating to revenue.	366	.....	.....	.....	.....	.....	.....	.....	.....
2587. Senator Rasmussen: Relating to public employment.	366	.....	.....	.....	.....	.....	.....	.....	.....
2588. Senator Rasmussen (by Department of Retirement Systems request): Relating to retirement.	366	.....	.....	.....	.....	.....	.....	.....	.....
2589. Senator Rasmussen: Relating to public retirement systems.	366	.....	.....	.....	.....	.....	.....	.....	.....
2590. Senator Rasmussen (by Department of Retirement Systems request): Relating to public employment.	366	.....	.....	.....	.....	.....	.....	.....	.....
2591. Senators Sandison and Guess: Relating to postsecondary education.	366	963	.....	1433	.....	.....	.....	.....	.....
2591. (SUBSTITUTE) Committee on Education (originally sponsored by Senators Sandison and Guess): Relating to postsecondary education... ..	.....	.....	1433	1433	.....	1433	1774	1774	1960
2592. Senator Herr: Relating to boating.	366	.....	.....	.....	.....	.....	.....	.....	Signed p. 2146 CH. 118X

2602. Senator Bottiger: Providing for the efficient operation of utilities.	367	.....	.....	.....	.....	.....	.....	.....	.....
2603. Senator Bottiger: Relating to energy.	367	.....	.....	.....	.....	.....	.....	.....	.....
2604. Senators Sandison and Guess: Relating to the council for postsecondary education.	367	.....	.....	.....	.....	.....	.....	.....	.....
2605. Senators Jones, Walgren, Sellar, Matson and Benitz: Reducing retirement benefits for state legislators and officers.	381	.....	.....	.....	.....	.....	.....	.....	.....
2606. Senator Mardesich: Decreasing the amount of money that a commercial or business transaction must involve before the usury law becomes inapplicable.	381	.....	.....	.....	.....	.....	.....	.....	.....
2607. Senators Guess, Francis and Hayner: Revising the laws relating to construction liens.	381	.....	.....	.....	.....	.....	.....	.....	.....
2608. Senators Francis, Buffington and Marsh: Revising laws relating to privacy of information about crimes and criminals.	382	1204	.....	1483	.....	.....	.....	.....	.....
2608. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Francis, Buffington and Marsh): Revising laws relating to privacy of information about crimes and criminals.....	.....	.....	1433	1433	2338, 2501	1433, 2501	2337, 2500	2525	2665
2609. Senators Rasmussen, Washington and Guess: Providing principles for state law on use of solar energy.	382	.....	.....	.....	.....	.....	.....	.....	.....
2610. Senator Mardesich: Requiring judicial procedures to regulate the activities of private businesses operating under the laws of this state.	382	.....	.....	.....	.....	.....	.....	.....	.....
2611. Senator Day: Revising the appointment of members for the chiropractic disciplinary board.	382

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2631. Senators Morrison and Benitz: Relating to water rights.	384									
2632. Senators Morrison and Benitz: Relating to water distribution projects.	384	423, 456, 497			497, 530					
2632. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Morrison and Benitz): Relating to water distribution projects.			580, 791	580, 798	Returned to Rules 6-21-77	531, 794	HCR 26, 712, HCR 85, 8104			
2633. Senator Peterson: Relating to natural resources.	384									
2634. Senator Peterson: Relating to natural resources.	384	999			1249					
2634. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senator Peterson): Relating to natural resources.			1249	1249		1249	1840	1880	1917	Signed p. 2182 CH. 132X
2635. Senator Wilson: Relating to local government.	384									
2636. Senator Wilson: Relating to local government.	384									
2637. Senator Goltz: Relating to physicians.	384									
2638. Senator Day: Relating to on-site sewage systems.	384	1045			1418					

2638. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senator Day): Relating to on-site sewage systems.	1418	1418	1796	1419, 1796	1796	1880	1917	Signed p. 2182 CH. 133X
2639. Senator Day: Relating to health care insurance.	384							
2640. Senator Day: Relating to health care delivery.	384							
2641. Senator Goltz: Relating to mental health.	385							
2642. Senator Day: Relating to optometry.	385							
2643. Senator Peterson: Relating to game and game fish.	385							
2644. Senator Goltz: Relating to open public meetings.	385							
2645. Senator Peterson: Relating to food fish and shellfish.	385							
2646. Senator Benitz: Relating to postsecondary education.	385							
2647. Senator Benitz: Relating to postsecondary education.	385							
2648. Senators Sellar, Talley and Wilson: Relating to fire protection districts.	385							
2649. Senators Wilson, Sellar and Talley: Relating to local government.	385							
2650. Senators Rasmussen and Guess: Relating to state government and the economic impacts of noise regulation.	385							
2651. Senator Bottiger: Relating to energy conservation.	385							
2652. Senators Mardesich and Morrison: Relating to unemployment compensation.	385	1219						

2680. Senator Donohue: Relating to community college bonding.	407								
2681. Senators Donohue and Odegaard: Relating to the support of state government.	407	923		1116					
2681. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue and Odegaard): Relating to the support of state government.			1116	1116		1116	1609	1616	1623
									Signed p. 1909 CH. 65X
2682. Senator Odegaard: Relating to the support of state government.	407								
2683. Senator Donohue: Relating to state government.	407								
2684. Senator Donohue: Relating to tuition and fees of the state institutions of higher education....	407								
2685. Senators Donohue and Odegaard: Relating to tax relief for senior citizens.	407								
2686. Senator Odegaard: Relating to teachers retirement system.	408								
2687. Senator Donohue: Relating to public employees retirement post-retirement.	408								
2688. Senator Donohue: Relating to the budget and accounting act.	408								
2689. Senator Donohue: Creating a new retirement system.	408								
2690. Senators Donohue and Odegaard: Relating to revenue and taxation.	408	1188							Referred to Rules 6-21-77
2691. Senator Donohue: Relating to pollution control taxes.	408								

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2692. Senator Donohue: Relating to revenue and taxation.	408									
2693. Senator Donohue: Relating to public employment retirement system.	408									
2694. Senator Donohue: Relating to common school tax levies.	408									
2695. Senator Odegaard: Relating to common school tax levies.	408									
2696. Senator Donohue: Relating to K-12 education.	408									
2697. Senators Donohue and Odegaard: Relating to property tax limitation.	408	1849			1849, 1892					
2697. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue and Odegaard): Relating to property tax limitation.			1892	1892	1589, 2711, 2723, 3105	1893, 2712	1588, 2711, HCR 35, 3104	2723	Not Signed	p. 2697 VETOED
2698. Senator Odegaard: Relating to the budget and accounting act.	408									
2699. Senator Donohue: Relating to the department of retirement systems.	408									
2700. Senator Donohue: Relating to property tax limitation.	408	2533			2534					

2700. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Donohue): Relating to property tax limitation.			2534, 2635, 2642	2534, 2635, 2643	2635, 2636, Referred to Rules 6-21-77	2643		
2701. Senator Odegaard: Relating to K-12 education.	408							
2702. Senators Donohue and Odegaard: Relating to K-12 education.	409	924			1249			
2702. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue and Odegaard): Relating to K-12 education.....			1249	1249	Referred to Rules 6-21-77	1249	HCR 85, 8104	
2703. Senator Donohue: Relating to state government.	409	1880			2391			
2703. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Donohue): Relating to state government.			2391	2391	Indef- nitely postponed	2391	2991	
2704. Senator Donohue: Relating to community college education.	409							
2705. Senator Donohue: Relating to property tax....	409							
2706. Senator Odegaard: Relating to property tax...	409							
2707. Senators Donohue and Odegaard: Relating to higher education.	409							
2708. Senator Donohue: Relating to community college education.	409							
2709. Senator Odegaard: Relating to community college education.	409							
2710. Senator Odegaard: Relating to higher education.	409							
2711. Senator Donohue: Relating to higher education.	409							

2724. Senators von Reichbauer and Gaspard: Relating to dog control.	410									
2725. Senator Wilson: Relating to the purchase of real property.	410									
2726. Senator Talley: Relating to harness racing.	410									
2727. Senator Washington: Relating to withdrawal of public waters for use in irrigation.	410									
2728. Senator Washington: Relating to environment and to dispersion of nonpolluting industry to noncongested areas of the state.	410									
2729. Senators von Reichbauer and Gaspard: Relating to cruelty to livestock and domestic animals.	410									
2730. Senator Washington: Relating to ecology and the encouragement by the state of the dispersion of environmentally desirable industry throughout the state.	410									
2731. Senators Ridder, Morrison and Grant: Providing for designation of specialty plumbers and revising other laws on plumbing.	411	799		1376						
2731. (SUBSTITUTE) Committee on Commerce (originally sponsored by Senators Ridder, Morrison and Grant): Providing for designation of specialty plumbers and revising other laws on plumbing.			1376	1376		1378	1910	1918	1966	Signed p. 2243 CH. 149X
2732. Senators Grant and Matson: Separating a person's employment driving record from his other driving record for insurance purposes.	411									
2733. Senators Van Hollebeke and Grant: Requiring public transportation functions of a metro to be done by metro employees.	411									

2741. Senators Bluechel, Rasmussen, Jones, Goltz, Buffington, Ridder, Odegaard, North and Hayner: Prohibiting the sale of alcoholic beverages in seating areas at covered sports arenas.	412																			
2742. Senators McDermott, Ridder, North and Grant: Requiring auditing of nursing home reports...	412																			
2743. Senators McDermott, Ridder, North and Grant: Regulating nursing homes.	418																			
2744. Senators Clarke, Woody, Lewis and Hayner (by Insurance Commissioner request): Providing for products liability actions.	418	1058																		
2744. (SUBSTITUTE) Committee on Financial Institutions and Insurance (originally sponsored by Senators Clarke, Woody, Lewis and Hayner) (by Insurance Commissioner request): Providing for products liability actions.				1468	1469	Returned to Rules 6-21-77	1470			HCR 85, 3104										
2745. Senators Gaspard, Day and Beck: Creating a state housing commission.	418																			
2746. Senators von Reichbauer, Beck, Sellar and Day: Declaring unlawful the dissemination of false political advertising.	418																			
2747. Senators Rasmussen, Donohue and Buffington: Providing for disposal of surplus property.	413	505	1026	1026	1795	1026, 1795	1795	1880	1917											Signed p. 2182 CH. 135X
2748. Senator Day: Revising the laws regulating pharmacists.	418																			
2749. Senators Herr and Gould (by Secretary of State request): Revising laws relating to ethics in state government.	414																			
2750. Senator Day: Limiting summary suspension of a license.	414	818																		

2788. Senator Day: Relating to public assistance.....	482	.....	.....	.....	.....	.....	.....
2789. Senator Gould: Relating to basic education. . .	482	.....	.....	.....	.....	.....	.....
2790. Senator Donohue: Relating to treasury ac- counts.	482	.....	.....	.....	.....	.....	.....
2791. Senator Donohue: Relating to treasury ac- counts.	482	.....	.....	.....	.....	.....	.....
2792. Senator Day: Relating to healing arts.	483	.....	.....	.....	.....	.....	.....
2793. Senator Donohue: Relating to taxation and fees on mobile homes.	483	.....	.....	.....	.....	.....	.....
2794. Senator Ridder: Relating to industrial insur- ance.	483	.....	.....	.....	.....	.....	.....
2795. Senator Ridder: Relating to unemployment compensation.	483	.....	.....	.....	.....	.....	.....
2796. Senator Ridder: Relating to public employee collective bargaining.	483	.....	.....	.....	.....	.....	.....
2797. Senator Ridder: Relating to the regulation of the construction, maintenance, alteration and repair of elevators.	483	.....	.....	.....	.....	.....	.....
2798. Senator Day: Relating to nursing.	483	.....	.....	.....	.....	.....	.....
2799. Senator Day: Relating to health care.	483	.....	.....	.....	.....	.....	.....
2800. Senators Donohue and Sandison: Relating to tuition and fees of state institutions of higher education.	483	916, 986	.....	1252	.....	.....	.....
2801. Senator Day: Relating to medical laboratories.	483	.....	.....	.....	.....	.....	.....
2802. Senator Day: Relating to hospital districts.....	483	.....	.....	.....	.....	.....	.....
2803. Senator Day: Relating to senior citizens.	483
2804. Senator Goltz: Relating to handicapped.	483

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2826. Senator Morrison: Providing for reimbursement to any city of local sales tax revenue lost because part or all of such city is located within an Indian reservation.	435									
2827. Senator Bausch: Authorizing costs and attorney's fees in actions by or against the state...	435									
2828. Senator Bausch: Requiring private pilots to have insurance or a surety bond in force when transporting passengers.	435									
2829. Senator Grant: Exempting up to twenty thousand dollars of valuation of residences from property taxation.	435									
2830. Senators Bausch and Bailey: Allowing the new owner of designated forest land sixty days to file application received from the assessor for continuation of such designation.	436									
2831. Senators McDermott, Gould, Gaspard, Murray and Grant (by Superintendent of Public Instruction request): Making changes in the RCW code to reflect other laws relating to education.	436	505	860	860		860	1774	1774	1961	Signed p. 2146 CH. 120X

2832. Senators McDermott, Gould, Gaspard, Fleming, Murray, Grant and Wojahn (by Superintendent of Public Instruction request): Setting forth the "In-service training act of 1977" for common school personnel training.	436	506	.....	.....	.....	.....	.....	.....	.....
2833. Senators Bailey and Odegaard: Authorizing the creation of convention facilities districts in the unincorporated areas of any county.....	436	.....	.....	.....	.....	.....	.....	.....	.....
2834. Senators Bailey, Woody and Wilson: Authorizing the formation of emergency medical service districts.	436	.....	.....	.....	.....	.....	.....	.....	.....
2835. Senators Rasmussen and Woody: Prohibiting insurance companies from unfair business practices in dealings with their brokers.	436	.....	.....	.....	.....	.....	.....	.....	.....
2836. Senator Rasmussen: Providing incentives for prompt payment of property taxes.	436	.....	.....	.....	.....	.....	.....	.....	.....
2837. Senators Ridder, Grant, Fleming, Herr, Francis and Murray (by Superintendent of Public Instruction request): Providing program of bilingual instruction in the common schools and state aid therefor.	436	.....	.....	.....	.....	.....	.....	.....	.....
2838. Senators von Reichbauer, Gaspard, Pullen, Marsh and Rasmussen: Establishing a state information service.	437	813	.....	.....	.....	.....	.....	.....	.....
2839. Senators Marsh, Henry and Talley: Exempting certain transmission and reception property of nonprofit corporations from property taxation.	437	1138	1879	1879	1879	2999	3001	3092
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2840. Senators Marsh, Donohue, Scott, Buffington, Henry, Wojahn, Day, Bottiger, Gaspard, Jones and Odegaard: Modifying income requirements for retired persons' tax exemptions and increasing exempt property valuation.	437	1000	1230

2846. Senators Ridder, Bluechel, Wojahn, Fleming, Grant, Van Hollebeke, Gould and Keefe: Providing training, counseling, and services for women in transition.	488	.....	.....	.....	.....	.....	.....	.....	.....
2847. Senators McDermott, Murray and Gaspard (by Superintendent of Public Instruction request): Authorizing state board of education rules relating to certain preschool type programs.	488	.....	.....	.....	.....	.....	.....	.....	.....
2848. Senators Donohue, Mardesich and Murray: Terminating additional tax credits or exemptions for pollution control facilities.	488	.....	.....	.....	.....	.....	.....	.....	.....
2849. Senators Ridder, Francis and Woody: Providing for review of petitions and informal adjustments in juvenile cases.	488	.....	.....	.....	.....	.....	.....	.....	.....
2850. Senators Walgren, Henry, Matson and Buffington: Authorizing the state insurance board to offer a dental insurance plan to commissioned officers of the Washington state patrol and providing health care plan coverage in excess of the board's contribution.	488	.....	.....	.....	.....	.....	.....	.....	.....
2851. Senators Walgren, Bailey and Donohue: Revising state employees' insurance and health care.	488	1220	.....	1894	.....	.....	.....	.....	.....
2851. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Walgren, Bailey and Donohue): Revising state employees' insurance and health care. ....	.....	.....	1894, 1408	1408	1895	1408	1840	1880	1917
2852. Senators Bausch, Gaspard and Bottiger (by Board of Prison Terms and Paroles request): Requiring statements on convicted persons for the board of prison terms and paroles.	489	1020	.....	.....	.....	.....	.....	.....	.....
2853. Senator McDermott: Modifying the duties of county auditors.	489	696

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2860. Senator Grant: Making various technical changes in election laws.	440
2861. Senator Francis: Extending all provisions of the state discrimination law as stated in RCW 49.60.030 uniformly to all sections which now do or should prohibit discriminatory practices, and including therein mentally, physically, and sensory handicapped.	441	.....	.....	.....	.....	.....	.....	.....	.....
2862. Senators Van Hollebeke and Day: Allowing liquor manufacturers, importers, and wholesalers to entertain and supply advertising material to licensees.	441	.....	.....	.....	.....	.....	.....	.....	.....
2863. Senators Van Hollebeke, Grant and Day: Prohibiting torturous human experimentation and therapy on persons residing in state institutions.	441	.....	.....	.....	.....	.....	.....	.....	.....
2864. Senator Bausch: Requiring an accident report when a legally standing vehicle is involved in an accident.	441	582	861	861	861	1609	1616	1623	Signed p. 1909 CH. 68X
2865. Senators Bottiger, Lewis, Bausch, von Reichbauer, Beck, Rasmussen, Gaspard, Walgren, Goltz, Wilson, Wojahn, Woody, Washington, Sellar, Wanamaker and Morrison (by Executive request of Governor Ray): Revising energy emergency powers and procedures.....	442	.....	.....	.....	.....	.....	.....	.....	.....
2866. Senators Donohue, Rasmussen, Mardesich and Guess: Abolishing Evergreen State College and making present facilities a state capital campus of the University of Washington.	442	.....	.....	.....	.....	.....	.....	.....	.....
2867. Senators Van Hollebeke, Lewis and Day: Allowing a four year period to claim refunds for overpayment of excise taxes.	442

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2868. Senators von Reichbauer, North, Sellar and Fleming: Providing for new boards of commissioners for merged fire districts.	443	647	996	996	996	1774	1774	1961	Signed p. 2146 CH. 121X
2869. Senators Rasmussen and Bluechel: Bringing the state inheritance tax exemptions into general conformity with the federal exemptions.	443	.....	.....	.....	.....	.....	.....	.....	.....	.....
2870. Senator Grant: Permitting certain lobbying activities by state agencies.	443	938	.....	.....	.....	.....	.....	.....	.....	.....
2871. Senators McDermott and Goltz: Providing new and extended services to physically, mentally and sensory handicapped citizens to include appropriate identification, education, and rehabilitation.	443	.....	.....	.....	.....	.....	.....	.....	.....	.....
2872. Senator Marsh: Revising out-dated and offensive language pertaining to the physically, mentally and sensory handicapped and providing a defined process to determine mental status due to incompetency or disability.....	444	1220	.....	.....	1484	.....	.....	.....	.....	.....
2872. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senator Marsh): Revising out-dated and offensive language pertaining to the physically, mentally and sensory handicapped and providing a defined process to determine mental status due to incompetency or disability. ....	.....	.....	1434	1435	.....	1435	1609	1616	1623	Signed p. 1910 CH. 80X, PV

2873. Senators Goltz, Bailey, Sellar and Newschwander (by Joint Board of Ethics request): Revising laws relating to legislative ethics.	446	1193			1576							
2873. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Goltz, Bailey, Sellar and Newschwander) (by Joint Board of Ethics request): Revising laws relating to legislative ethics.					1582,							Signed p. 2528 CH. 218X
			1576, 1588	1588	2065, 2073	1583, 2074	2064	2150	2243			
2874. Senators Goltz, Ridder, Francis and Fleming: Specifying that public assistance standards be no less than the poverty level.	446	938										
2875. Senators Grant and Ridder: Establishing a wage claim trust fund for payment of valid wage claims.	446											
2876. Senators Goltz, Francis, Fleming, Wojahn, Mardesich and Murray: Providing continuing general assistance for unemployed employable persons under certain conditions.	447	1000										
2877. Senators Goltz, Bailey, Sellar and Newschwander (by Joint Board of Ethics request): Revising laws on ethics and disclosure.	447	1118			1654							
2877. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Goltz, Bailey, Sellar and Newschwander) (by Joint Board of Ethics request): Revising laws on ethics and disclosure.					1655,							Signed p. 3123 CH. 336X
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2879. Senator Grant: Relating to elections.	464											
2880. Senator Sellar: Relating to public lands.	464											
2881. Senator Talley: Relating to port districts.	464											
2882. Senator Talley: Relating to harbor lines.	464											

2893. Senator McDermott: Relating to funding for education.	465						
2894. Senator Ridder: Relating to labor relations....	465						
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2897. Senator Goltz: Relating to social and health services.	465						
2898. Senator Day: Relating to juvenile corrections..	465						
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2900. Senator Day: Relating to state institutions. ...	465						
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2903. Senator Day: Relating to prisoner discipline. .	466						
2904. Senator Goltz: Relating to alcoholism.	466						
2905. Senator Fleming: Prohibiting certain discriminatory boycotts.	466						
2906. Senator Fleming: Expanding the right to be free from discrimination.	466	1205		1485			
2906. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senator Fleming): Expanding the right to be free from discrimination... ..			1485	1485		1496	HCR 35, 3104
2907. Senators Rasmussen, Gould and Donohue (by Office of Program Planning and Fiscal Management request): Revising mileage expenses..	466						

2914. Senator Day: Revising the laws on abandoned vehicles.	467	1198	.....	.....	.....
2915. Senator Woody: Providing for an educational disciplinary board.	468		.....	.....	.....
2916. Senators Bausch, Beck and Goltz: Bringing the state inheritance exemptions into general conformity with the federal exemptions.	468		.....	.....	.....
2917. Senators Bluechel, Wanamaker and Henry: Permitting certain counties to impose a tax on the sale of gasoline to meet local matching requirements for certain highway projects.....	468		.....	.....	.....
2918. Senator Woody: Revising laws relating to civil liability of product manufacturers and dealers.	468	1058	.....	.....	.....
2919. Senator Ridder: Providing coordinated and comprehensive services and service delivery systems within existing resources for physically, mentally and sensory handicapped citizens.	468		.....	.....	.....
2920. Senator Ridder: Enacting a state labor-management relations act.	471		.....	.....	.....
2921. Senators Grant, Murray and Gould: Removing as bargaining unit one that includes supervisors and/or principals and nonsupervisory educational employees.	471		.....	.....	.....
2922. Senator Hayner: Permitting certain extensions of the ninety day speedy trial rule.	471		.....	.....	.....
2923. Senator Sellar: Authorizing cities to acquire land for lease or sale convention center related facilities.	471		.....	.....	.....
2924. Senators Henry, Beck, Bottiger, Peterson, Keefe, Sellar, Wanamaker and Talley: Creating a department of transportation.	471	547	.....	979	.....

2931. Senators Walgren and Matson: Revising the laws relating to sale prices of cigarettes.	474						
2932. Senator Van Hollebeke: Modifying provisions as to when a liquor licensee must request proof of age.	474	647					
2933. Senators Francis, Clarke, Marsh and Hayner: Establishing a judicial qualifications commission contingent upon amendment of the state Constitution.	474	881	1097	1098	1099, Returned to Rules 6-21-77	1098	HCR 85, 8104
2934. Senators Francis and Clarke: Establishing a uniform state-wide system of district courts...	474						
2935. Senators Francis and Clarke: Providing for the funding of the superior courts in accordance with the proposed new judicial article of the state Constitution.	475	1118					
2936. Senators Francis, Clarke, Marsh and Hayner: Establishing the jurisdiction of superior courts in accordance with a proposed new judicial article of the state Constitution.	475	881	1099	1099	Returned to Rules 6-21-77	1099	HCR 85, 8104
2937. Senators Francis and Clarke: Amending non-partisan election laws to implement a proposed new judicial article of the state Constitution...	475						
2938. Senators Francis, Marsh and Jones: Modifying crime victims compensation provisions.	480	924			1481		
2939. Senator Day: Revising the laws for regulation of podiatrists.	480	988					
2940. Senators McDermott, Francis, Murray, Gaspard, Bluechel, Walgren and Fleming: Authorizing bonds for arts and cultural facilities and preservation of historical site.	480						

2949. Senators Bottiger, Newschwander and Henry: Implementing the gambling act.	483	986			1896					
2949. (SUBSTITUTE) Committee on Commerce (originally sponsored by Senators Bottiger, Newschwander and Henry): Implementing the gambling act.						1898, Returned to Rules 6-21-77	1897, 1899	HCR 85, 8104		
2950. Senators Jones, Donohue, Scott, Day, Benitz, Clarke, Matson, Mardesich, Wanamaker, Bluechel and Hayner: Creating a comprehensive retirement system.	488									
2951. Senator Francis: Authorizing summary probation after commitment.	488	955	1461	1461		Returned to Rules 6-21-77	1461	HCR 85, 8104		
2952. Senators Gould and McDermott: Implementing student learning objectives program.	488	955					1828			
2952. (SUBSTITUTE) Committee on Education (originally sponsored by Senators Gould and McDermott): Implementing student learning objectives program.						Returned to Rules 6-21-77	1828	HCR 85, 8104		
2953. Senators Donohue, Murray, Bottiger, Mardesich, Matson and Hayner: Defining terms and relating to the state environmental act.	488									
2954. Senators Ridder and Wojahn: Revising the laws regulating engineers and land surveyors.	484									
2955. Senator Francis: Relating to personal exemptions.	484									
2956. Senator Henry: Relating to outdoor advertising.	484	582					960			
2956. (SUBSTITUTE) Committee on Transportation (originally sponsored by Senator Henry): Relating to outdoor advertising.										Signed p. 2201 CH.141X, PV
2957. Senator Bottiger: Relating to gambling.	484									

2968. Senator Francis: Relating to crimes.	485
2969. Senator Francis: Relating to electronic surveillance.	485
2970. Senators Scott and Sandison: Relating to post-secondary education.	485
2971. Senator Francis: Relating to juvenile courts...	485
2972. Senator Francis: Relating to criminal sentencing.	485
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2975. Senators Bluechel, Gould, Murray, Goltz and Hayner: Relating to the liability of ski resort operators.	485	924	1069
2975. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senators Bluechel, Gould, Murray, Goltz and Hayner): Relating to the liability of ski resort operators.	1069	1069	1072, 1837	1106, 1838	1885	1880	1917
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2978. Senator Matson: Relating to state government.	486
2979. Senator Matson: Relating to appropriations. ..	486
2980. Senator Grant: Relating to elections.	486
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2982. Senators Scott and North: Relating to family planning.	486

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3003. Senators Gaspard and Ridder: Requiring the price of all consumer goods to be marked on package in readable Arabic numbers.	762				797					
3004. Senators Francis, Marsh and Walgren: Adding three members to the judicial council.	762	1020	1252	1255		1255	1774	1774	1961	Signed p. 2146 CH. 112X
3005. Senator Rasmussen: Extending the time period for making application for commercial smelt license.	762									
3006. Senator Peterson: Relating to fisheries.	762									
3007. Senator Herr: Aiding family farms and establishing an emergency water resource allocation committee.	762									
3008. Senator Peterson: Relating to fisheries.	762									
3009. Senator Peterson: Authorizing parks and recreation districts to issue interest bearing warrants.	762	1038	1256	1256	1614	1256, 1614	1614	1628	1752	Signed p. 2003 CH. 90X
3010. Senators Donohue and Matson (by Office of Program Planning and Fiscal Management request): Making an appropriation to the tort claims revolving fund.	775	1205			1379					

3010. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue and Matson) (by Office of Program Planning and Fiscal Management request): Making an appropriation to the tort claims revolving fund.	1379	1379	1379	2283	2283	2443	Signed p. 2715 CH. 228X			
3011. Senators Talley and Morrison: Revising laws pertaining to explosives.	776									
3012. Senator Talley: Modifying laws regulating parimutuel betting and authorizing dog racing.	776									
3013. Senator Wojahn: Permitting any winery to wholesale wine in this state.	776									
3014. Senator Bluechel: Requiring that the governmental agency requiring a building permit to furnish the taxpayer with the proper form for claiming tax exemption on home improvements.	776	964	1837	1888	Returned to Rules 6-21-77	1338	HCR 85, 3104			
3015. Senators Talley, Goltz, Peterson, Murray and Rasmussen: Providing for a liquefied natural gas hazards management study.	776	1382, 1423, 1771	2094	2098	2634	2098, 2634	2634	2654	2665	Signed p. 3116 CH. 315X, PV
3016. Senators Sandison and Odegaard: Requiring energy siting regulatory authorities to take cognizance of local government shoreline management plans.	776				777					
3017. Senators Odegaard and Monohon: Authorizing transfer of property owned by one port district but located in another.	776	964	1099	1100	1618	1100, 1618	1618	1628	1753	Signed p. 2003 CH. 91X
3018. Senator Bluechel: Permitting teachers to establish credit in the teachers' retirement system for Washington state service previously rendered.	776	1190								

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3019. Senators Odegaard, Donohue, Jones, Fleming, McDermott, Walgren and Ridder: Making an appropriation to the superintendent of public instruction for disbursement to certain school districts.	800	924	1038	1038	1038	1217	1218	1221	Signed p. 1260 CH. 12X
3020. Senators Murray, Ridder, North, Hayner and Gould: Defining basic education for state funding purposes.	800
3021. Senators Beck, Morrison, Henry and Talley: Defining the offense of energy waste and providing penalties therefor.	801
3022. Senator Herr: Providing for registration of boats and regulation of boating.	801
3023. Senators Talley and Odegaard: Directing the department of natural resources to transfer certain lands in Cowlitz county to the parks and recreation commission.	801
3024. Senators Peterson, Talley and Wanamaker: Establishing a new policy of fisheries for the state.	801	1058	1426

3024. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senators Peterson, Talley and Wanamaker): Establishing a new policy of fisheries for the state.....	1426	1427	Returned to Rules 6-21-77	1427	HCR 35, 3104				
3025. Senator Marsh: Extending the definition of the crime of malicious mischief.	801								
3026. Senators Rasmussen, Newschwander, Walgren, Buffington and Murray: Providing temporary tax deduction for light and power companies during drought emergency.	821	1590							
3027. Senators Monohon and Marsh: Authorizing juvenile authorities to require delinquent children to repair damage done.	822	1020		1289					
3027. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Monohon and Marsh): Authorizing juvenile authorities to require delinquent children to repair damage done.			1289	1290	Returned to Rules 6-21-77	1290	HCR 35, 3104		
3028. Senator Bausch: Permitting proceeds from port district revenue bonds to be used for funding reserve accounts.	822	964		1880					
3028. (SUBSTITUTE) Committee on Local Government (originally sponsored by Senator Bausch): Permitting proceeds from port district revenue bonds to be used for funding reserve accounts.		1380, 1395	1396	1382	1396	2320	2321	2443	Signed p. 2715 CH. 229X
3029. Senator Day: Establishing a priority for handicapped persons seeking services from the employment security department.	822								
3030. Senator Day: Revising the building provisions for aged and handicapped persons.	822								

3076. Senator Mardesich: Exempting an additional division of land from the subdividing laws.....	828						
3077. Senators Goltz, Wojahn and North: Authorizing expenditures by municipal corporations for volunteers.	828	988					
3078. Senator Pullen: Enacting the sentencing reform act.	828						
3079. Senator Walgren: Authorizing county property to be leased to a public agency for a term of years not to exceed fifty.	828	986		1493			
3080. Senator Bottiger (by Washington State Energy Office request): Creating an energy advisory council and revising other energy related laws.	828	1190		2093			
3080. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senator Bottiger) (by Washington State Energy Office request): Creating an energy advisory council and revising other energy related laws.			2093	2093	Returned to Rules 6-21-77	2093	HCR 35, 3104
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3086. Senators Bottiger, Lewis and Bausch: Relating to interim studies on energy, water and utilities.	829	1607					

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3108. Senator Gaspard: Relating to interim studies relating to agriculture.	831									
3109. Senators Donohue, Odegaard, Scott and New- schwander (by Executive request of Governor Ray): Adopting the 1977-1979 operating budget.	968	1100			1100					
3109. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard, Scott and Newschwander) (by Ex- ecutive request of Governor Ray): Adopting the 1977-1979 operating budget.		2914, 2979	1100	1101	1102, 1730, 1748, 2973, 2980	1101, 2981	1664, 1748, 2914, 2979	2981	2992	Signed p. 3118 CH. 339X, PV
3110. Senators Donohue, Odegaard, Scott and New- schwander: Adopting the 1977-1979 capital budget.	968	1584			1584					
3110. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard, Scott and Newschwander): Adopting the 1977-1979 capital budget.		3001, 3089	1584	1585	2631, 2636, 2648, 3087, 3089	1586, 3090	2545, 2662, 3001, 3088	3090	3092	Signed p. 3121 CH. 338X, PV

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101. Senators Wilson, Lewis, Donohue and Guess: Memorializing the President and Congress to adopt a federal constitutional amendment that would require balanced federal budgets with certain exceptions.	23								
102. Senators Pullen, Mardesich, Lewis, Bottiger and Benitz: Memorializing Congress on fusion energy development...	107	647			1155				
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103. Senators Buffington, Guess, Pullen, von Reichbauer, Rasmussen and Herr: Memorializing the President and Congress to continue to support the Republic of China...	251	506	970	971	972, Returned to Rules 6-21-77	972	HCR 35, 8105		
104. Senator Goltz: Requesting changes in grant procedures for certain federal public works programs.	251								
105. Senators Bottiger, Lewis and Bausch: Memorializing the President and Congress on vessel traffic control on the Straits of Juan De Fuca.	416	1198							
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108. Senators Gaspard, Day, Wanamaker, Benitz and Wilson: Requesting a reduction in federal supervision of the state grain inspection program.	488	547			1481				
109. Senators Talley and Murray (by Oceanographic Commission of Washington request): Requesting the federal government to develop a program of standards for marine measurements.	776	1077	1412	1412		1412		1616	1623
110. Senators Bottiger, Morrison, Gaspard, Benitz, Sellar, Washington, Matson and Walgren (by Executive request of Governor Ray): Requesting that the federal government accept retroactive applications for drought relief grants.	1561		1561	1561		1561	1582	1591	1622
111. Senators Gaspard, Benitz, Donohue, Morrison, Washington and Bottiger: Memorializing Congress to investigate the miscalculation by the Bureau of Reclamation in predicting a water shortage.	1992		1992	1992	Returned to Rules 6-21-77	1992	HCR 35, 3105		

TITLE AND HISTORY OF SENATE JOINT RESOLUTIONS

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101. Senators Marsh and Murray (by Executive request of Governor Evans): Amending the Constitution to authorize the governor to organize and reorganize the executive branch of state government.	23								
102. Senators Lewis, Sellar, Bluechel and Morrison: Permitting constitutional amendments to include several sections within a single article, or several sections relating to one subject.	23								
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104. Senators Francis, Clarke, Marsh and Van Hollebeke: Amending the Constitution to adopt a new judicial article.	76		887, 890, 927, 635 1123, 1129	929, 1130	894-895, 929, 942, 1123, 1129, Returned to Rules 6-21-77	929, 1130	HCR 35, 3105		
105. Senators Grant, Bottiger and Clarke (by State Auditor request): Amending the Constitution to allow audits of the judicial branch.	158								

111. Senators North, Fleming, Lewis and Talley: Amending the Constitution to authorize cities and counties to become "home rule units" with increased powers.	217								
112. Senators von Reichbauer, Lewis and Gaspard: Amending the Constitution to base taxation of historical sites on actual use.	282								
113. Senators Van Hollebeke, Francis, Washington, Jones, Day, Mardesich, Marsh, Murray, Goltz, Bailey, Benitz, von Reichbauer, Grant, Ridder, Bluechel, Waigren, Matson, Hayner, Bottiger, Sellar, Henry, Gaspard, Newschwander, Lewis, Woody and Bausch: Amending the Constitution to increase the jurisdictional limits of justices of the peace.	354	881	1181	1181	1844	1181, 1844	1844	1911	1966
114. Senators Ridder, von Reichbauer, Bailey, Wanamaker, Van Hollebeke, McDermott, Goltz, Bottiger, Grant, Wojahn, Buffington and Washington (by Executive request of Governor Ray): Amending the Constitution to permit future amendments to encompass several sections relating to a single subject.	355								
115. Senators Day, Talley and Bottiger (by Executive request of Governor Ray): Amending the Constitution to allow the state, its political subdivisions, and municipal corporations to lend their credit to the extent of certain special revenues.	355								
116. Senators Bottiger, Lewis, Bausch and Gaspard: Permitting the lending of state and local government credit for energy conservation services and materials.	387	1059		1165	1165				
116. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Senators Bottiger, Lewis, Bausch and Gaspard): Permitting the lending of state and local government credit for energy conservation services and materials.				1166, 1528, 1646, 1653	1166, 1529, 1646, 1647	1529, 1653	2816		

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118. Senator Donohue: Revising state tax structure.	417								
119. Senator Grant: Amending the state Constitution.	447								
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121. Senator Grant: Amending the state Constitution.	447								
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124. Senators Walgren, Matson, Marsh, Sandison, Clarke, Odegaard, Jones, Bottiger, Grant, Gould, Rasmussen, North, Van Hollebeke, Buffington, Day, Cunningham, Wilson, Bluechel, Goltz, Benitz, Mardesich, Murray, Talley, Morrison, Henry, Sellar, von Reichbauer, Newschwander, Gaspard, Scott, McDermott, Wanamaker, Guess, Peterson, Herr, Beck, Lewis, Donohue, Keefe, Hayner and Washington: Revising convening procedure and duration of legislative sessions.	831	939	1327	1327	Returned to Rules 6-21-77	1327	HCR 85, 3105		

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101. Senators Sandison, Clarke, Goltz, Wilson, Talley and Bluechel: Establishing the joint legislative committee on Washington/British Columbia cooperation.	23	197	197	24	198	638	638	684
102. Senators Herr and Mardesich: Calling for a limit on a 1977 special session.	24							
103. Senators Bailey, Walgren, Newschwander and Matson: Prescribing cutoff dates.	55	55	56	69	56, 69	69	79	153
104. Senators Talley, Marsh and Peterson: Petitioning for the formation of a tri-state legislative fisheries committee for Washington, Oregon and Idaho.	150							
105. Senators Bailey, Rasmussen and Clarke: Providing for review of the operations of the state actuary.	166	196	196		197	290	290	334
106. Senators Francis and Van Hollebeke (by Judicial Council request): Proposing a commission on prisoners sentencing and correction.	177							
107. Senators Rasmussen, Bailey, Walgren and Matson: Relating to the power of the rules committees of each house of the legislature to empower their standing and special committees to compel the attendance of witnesses and the production of papers.	355							

116. Senators Sandison and Walgren: Suspending provisions of Senate Concurrent Resolution No. 113 for introduction of Senate Bills 3109 and 3110.	961	961	961	961	965	968	978
117. Senators Walgren, Sandison, Matson and Newschwander: Amending Senate Concurrent Resolution No. 113.	1290	1290	1290	1290	1351	1384	1424
118. Senators Walgren, Sandison, Matson and Newschwander: Amending Senate Concurrent Resolution No. 113.	1440	1440	1440	1440	1484	1491	1522
119. Senators Donohue and McDermott: Requiring that each federal program be reviewed by the legislature to determine the anticipated financial impact of new or changed federal requirements.	1562						
120. Senators Walgren, Sandison, Matson and Newschwander: Amending Senate Concurrent Resolution No. 113.	1576	1576	1576	1576	1595	1606	1622
121. Senators Walgren, Sandison, Matson and Newschwander: Amending Senate Concurrent Resolution No. 113.	1841	1841	1841	1841	1907	1907	1917
122. Senators Walgren, Sandison, Matson and Newschwander: Amending Senate Concurrent Resolution No. 113.	2065	2065	2065	Returned to Rules 6-21-77	HCR 35, 3105		
123. Senators Walgren, Peterson and Donohue: Providing for a legislative interim management and program analysis of the department of fisheries.	2974	2974	2974	2974	2992	3001	3092
124. Senators Sandison, Clarke, Goltz and Wilson: Establishing the joint legislative committee on Washington/British Columbia cooperation.	3087	3087	3087	3087	3092	3092	3092

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
1. Senators Bailey, Walgren, Matson and Newschwander: Senate organized, House notified.	10	.....	.....	.....	10, 11	10 Adopted
2. Senators Bailey, Walgren, Matson and Newschwander: Courtesies extended, former presidents, members, secretaries.	10	.....	.....	.....	.....	10 Adopted
3. Senators Bailey, Walgren, Matson and Newschwander: Providing for weekly payment of Senators and Senate employees. Providing each member necessary supplies, equipment and materials required to operate Senate.	11	.....	.....	.....	.....	11 Adopted
4. Senators von Reichbauer and Gaspard: Black watch drum and bugle corps, commended.	65	.....	.....	.....	.....	66 Adopted
5. All members: Michael G. Boivin, assistant executive secretary Washington State School Directors' Association, death, condolences.	66	.....	.....	.....	.....	67 Adopted
6. Senators Fleming and McDermott: Honoring birthdate of Dr. Martin Luther King, Jr.	67	.....	.....	.....	.....	67 Adopted
7. Senators von Reichbauer and Lewis: Commending Thomas C. Garrett for service to Washington State Parks and Recreation Commission.	76	.....	.....	.....	.....	77 Adopted
8. Senators von Reichbauer, Sellar, Walgren, Washington and Wilson: Commending Wilford R. Woods for service to Washington State Parks and Recreation Commission.	77	.....	.....	.....	.....	78 Adopted
9. Senator Walgren: Requesting Canadian government to reduce seal pup hunt. ....	.....	.....	.....	.....	.....	* 951 Natural Resources

10. Senator McDermott: Nursing home fiscal audit select committee established, social and health services department, audit program, procedures, examination.	708	708	Adopted
11. Senator Henry: Cecil A. Gholson, former legislator, member of third house, title as honorary state senator bestowed.	690	692	Adopted
12. All members excepting Senator Balley: Senator Robert C. Balley congratulated on new duties, regrets on resignation extended.	712	712-717	Adopted
13. Senators Matson and Walgren: Granting use of Senate Chamber and committee rooms to Youth Legislature being held in Olympia in 1977 and 1978.	703	703	Adopted
14. Senators Walgren, Balley, Matson and Newschwander: Appointing committee to notify House that the Senate is ready to adjourn the regular session of the forty-fifth legislature SINE DIE.	718	718	Adopted
15. Senators Sandison and Newschwander: Reappointing officers and committees of the regular session to their respective positions for the extraordinary session; Senator Gordon Sandison appointed to Rules Committee.	723	723	Adopted
16. Senators Walgren, Sandison, Matson and Newschwander: Providing for appointment of a committee to notify House that Senate is ready to transact business for first extraordinary session.	723	723	Adopted
17. Senators Walgren, Rasmussen, Sellar, von Reichbauer and Jones: International DeMolay Week recognized.	771	772	Adopted
18. All Members: Welcoming Seattle Mariners baseball team to Washington State.....	1009	1010	Adopted
19. Senators Cunningham, Day and Walgren: Opposing banning of saccharin products, urging Congress to enact legislation to remedy effects of Delaney Amendment.....	853	853	Adopted
20. Senator Talley: Death of Larry Dean Grant, employee Longview Fibre, sympathy extended to family; Senate commitment insure strong safety laws, regulations.	966	966	Adopted
21. Senator Herr: Instructing Senate Parks and Recreation Committee conduct study of operations, administration, fiscal affairs of Washington State Parks and Recreation Commission. No further organizational changes be considered during interim.....		* 969 Rules	

* Referred to committee indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
22. Senator Ridder: Washington State Utilities and Transportation Commission charitable contributions, commended, admonished.					* 983 Energy & Utilities	
23. Senators Walgren, Sandison, Matson and Newschwander: Senate rules in effect adjournment SINE DIE forty-fourth legislature adopted as permanent rules of forty-fifth legislature with amendments.	1080				1080-1086	1096 Adopted
24. Senate Energy and Utilities Committee: Declares April 20, 1977, "Energy Crunch Day".	1140					1141 Adopted
25. Senate Energy and Utilities Committee: Commending Puget Sound Power and Light for leadership and commitment to inform citizens of state concerning energy conservation.	1141					1141 Adopted
26. Senate Energy and Utilities Committee: Commending Washington Natural Gas, Inc. for leadership in energy conservation.	1141					1142 Adopted
27. Senators Talley and Odegaard: Congratulating George L. Canham, 100th birthday, long-time participant in political process.	1188					1189 Adopted
28. Senators Goltz, North, Bluechel, Benitz, Murray, Ridder, Washington, Walgren, Gould, Gaspard, Herx and von Reichbauer: Commending volunteers of Washington State.					* 2820 Rules	
29. Senators Odegaard and von Reichbauer: Commending Sandy Marth Hill, recognized as outstanding citizen and congratulating debut on ABC "Good Morning, America". ...					* 2820 Rules	
30. Senators Wilson, Sellar, Guess, Peterson and Rasmussen: Congressional delegation urged to insure portion of available federal funds be spent to replenish water in Lake Roosevelt.	1238					1239 Adopted

31. All Members: Extending appreciation to Will Bachofner, chief, Washington State Patrol, for service. Best wishes expressed on retirement.	1314	.....	.....	1315	Adopted
32. Senators Bottiger, Francis, Marsh, Buffington, Clarke, Woody and Hayner: Requesting study by Senate Judiciary Committee of Washington Business Corporation Act also Model Business Corporation Act. ....	.....	.....	.....	* 2320	Rules
33. Senators Rasmussen, Guess, Newschwander, Pullen, Lewis and Wanamaker: Requesting non relinquishing of Panama Canal.	1490	.....	.....	1491	Adopted
34. All Members: Honoring Jack Taylor in concluding forty year career in public service.	1488	.....	.....	1488-1490	Adopted
35. Senator Bluechel: Requesting study by committee on higher education to ascertain possibility of acquiring St. Edwards Seminary property.	1497	.....	.....	* 2320	1498
36. Senators Beck and Peterson: Creating Senate committee on game and fish. ....	.....	.....	.....	Rules	Adopted
37. Senators Goltz, Jones and Sellar: Requesting governor consider creation of Broccoli Commission.	1586	.....	.....	1588	Adopted
38. All Members: Sympathies extended to Senator Gordon Herr and family on passing of his wife, Patricia.	1587	.....	.....	Rules	Adopted
39. All Members: Congratulating Senator Nancy Buffington and Dr. Howard Kellogg on impending marriage.	1623	.....	.....	1624-1625	Adopted
40. Senators Monohon and Peterson: Requesting Senate natural resources committee study availability of cedar and mill problems. ....	.....	.....	.....	* 2320	Rules
41. Senators Francis and Hayner: Requesting Senate judiciary committee study measures necessary to combat development of organized crime activities and participants in state of Washington. ....	.....	.....	.....	* 2320	Rules
42. Senator Day and Guess: Honoring Joseph M. Smith for long and honorable service as a private citizen.	2070	.....	.....	2070	Adopted

* Referred to committee indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
43. Committee on Higher Education: Directing Senate committees on higher education and ways and means study future capital facilities, planning and budgeting developments in state of Washington.					* 2820 Rules	
44. Committee on Higher Education: Directing Senate committees on higher education and ways and means study summer school programs in community college system and four-year public institutions in state of Washington.					* 2820 Rules	
45. Committee on Higher Education: Directing Senate higher education committee to conduct study of vocational education in state of Washington.					* 2820 Rules	
46. Committee on Higher Education: Directing Senate committee on higher education undertake study of policies of public two and four-year institutions of higher education regarding faculty research.					* 2820 Rules	
47. Senators Marsh, Day, Francis and Buffington: Directing Senate committees on social and health services and judiciary conduct study into use of arbitration involving disputes concerning health care delivery system.					* 1732 Rules	
48. Senators Marsh, Day, Francis and Buffington: Directing Senate committees on social and health services and judiciary jointly study matter of arbitration involving professional malpractice and product liability.					* 1732 Rules	
49. Senators Woody, Day, Buffington, Mardesich, Sellar, Sandison, Goltz and Murray (by request of Lieutenant Governor Cherberg): Requesting department of defense and department of army fully respond concerning reasons for reduction in reserve civil affairs activities particularly disbanding the 365th civil affairs brigade.		2071				2071 Adopted

50. Senators Wilson, Talley, Fleming, McDermott, Sellar, North and Bluechel: Requesting Senate committee on local government review merging of Washington state association of counties and Washington association of county officials.	* 2820 Rules	.....
51. Senators Wilson, Talley, Fleming, McDermott, Sellar, North and Bluechel: Requiring Senate committee on local government study problems involved in statutory role of boundary review boards.	* 2820 Rules	.....
52. Senators Wilson, Talley, Fleming, McDermott, Sellar, North and Bluechel: Requesting Senate committee on local government study problems involved in bidding procedures governing local units of government.	* 2820 Rules	.....
53. Senators Wilson, Talley, Fleming, McDermott, Sellar, North and Bluechel: Requesting Senate committee on local government study effectiveness of county and city efforts in utilizing the subdivision and platting act.	* 2820 Rules	.....
54. Senator Bausch: Welcoming Dr. Gloria Scott, president of Girl Scouts of the United States to state of Washington.	* 2820 Rules	.....
55. Committee on Higher Education: Requesting council for postsecondary education continue to exercise statutory responsibilities regarding improved transfer policies and report recommendations on or before January 1, 1978.	* 2820 Rules	.....
56. Senators Peterson and Rasmussen: Urging Congress to enact legislation amending the Federal "Black Bass" Act.	* 2820 Rules	.....
57. Senators Rasmussen and Henry: Requesting federal agencies rescind their prohibition as to use of former Sand Point Naval Air Station.	* 2820 Rules	.....
58. Senators Goltz, Walgren and Guess: Directing Senate committee on constitutions and election study amending Constitution to allow legislature to meet in various locations throughout the state and request leadership schedule interim meetings other than Olympia.	* 2820 Rules	.....
59. Senators Pullen, Mardesich, Lewis, Bottiger and Benitz: Requesting Congress undertake necessary enabling measures to accelerate research and development of nuclear fusion energy as source of electrical generation.	* 2820 Rules	.....

* Referred to committee indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
60. Senators Day, Wojahn, Gould, North and Buffington: Directing Senate committee on social and health services conduct investigation of correctional facilities and study methodologies used therein.					* 2820 Rules	
61. Senators Day, Goltz, Wojahn, North and Buffington: Directing Senate committee on social and health services study financing mechanisms used and delivery of health care in state of Washington.					* 2820 Rules	
62. Senators Day, Goltz, Wojahn, North, Buffington and Gould: Directing Senate committee on social and health services study activities of medical disciplinary board in connection with physicians licensed pursuant to chapter 18.71 RCW.					* 2820 Rules	
63. Senators Day, Goltz, Wojahn, Gould, North and Buffington: Directing Senate committee on social and health services conduct study into use of arbitration involving disputes concerning health care delivery system.					* 2820 Rules	
64. Senators Day, Goltz, Wojahn, North and Buffington: Directing Senate committee on social and health services study capital expenditures regarding number of doctors graduating and criteria for selecting medical students.					* 2820 Rules	
65. Senators Day, Goltz, Wojahn, Gould, North and Buffington: Requesting Senate committee on social and health services study activities and plans relative to future use of Cascadia Diagnostic and Treatment Center.					* 2820 Rules	
66. Senators Day and Buffington: Directing Senate committees on social and health services and judiciary study arbitration involving medical malpractice and product liability.					* 2820 Rules	

67. Senators McDermott, Gaspard, Hayner, Gould, Washington and Murray: Directing Senate education committee review functions of urban, rural, racial and disadvantaged education program.		* 2820 Rules	
68. Senators McDermott, Gaspard, Gould, Washington and Murray: Directing Senate education committee examine common school accreditation system.		* 2820 Rules	
69. Senators McDermott, Gaspard, Murray, Gould, Hayner and Washington: Directing Senate education committee study role of educational service districts.		* 2820 Rules	
70. Senators McDermott, Gaspard, Murray, Hayner, Gould and Washington: Directing Senate education committee study management and regulation of interscholastic activities in Washington common schools.		* 2820 Rules	
71. Senators McDermott, Gaspard, Gould, Washington and Murray: Directing Senate education committee study minimum competency requirements for students graduating from common school system.		* 2820 Rules	
72. All Members: Extending congratulations to University of Washington crews and best wishes on European tour.	2453		2454 Adopted
73. Senators Sellar, Morrison, Mardesich, Goltz, Newschwander, Francis, McDermott, Ridder, Guess, Wanamaker and Marsh: Requesting Congress call convention limited to proposing amendment to operate on balanced budget.		* 2820 Rules	
74. Senators Beck, Henry, Walgren and Guess: Directing Senate transportation committee study capacity of Tacoma Narrows Bridge to provide safe and efficient transportation between east side of Puget Sound and Kitsap County Peninsula.	2632	* 2638 Rules	
75. Senators Rasmussen, Guess and Goltz: Urging Congress review public law precluding development of hydroelectric and multi-purpose projects in Middle Snake River.....	2631		2632 Adopted
76. Senators Marsh, Monohon, Rasmussen and Herr: Directing ad hoc committee study veterans farm and home loan program.		* 2821 Rules	
77. Senators Marsh, Herr and Monohon: Directing Senate committee on Ways and Means study public library funding issue.		* 2821 Rules	
78. Senators Rasmussen, Donohue, Guess and Morrison: Directing Senate committee on state government study acquisition of real estate in Washington state by aliens.		* 2817 Rules	

* Referred to committee indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
79. Senators Odegaard and Ridder: Directing Senate committee on labor study problems relating to illegal aliens in Washington state.					* 2817 Rules	
80. Senators Marsh, Odegaard, Talley, Henry and Monohon: Directing United States Veterans Administration be directed to permit City of Vancouver retain veterans hospital facilities.	2816					2817 Adopted
81. Senators Rasmussen and Grant: Directing Senate committee on state government study state laws and regulations concerning food and beverage service as related to performing arts and conventions.					* 2817 Rules	
82. Senators Bottiger, Benitz, Guess, Morrison, Lewis, Murray, North, Beck, Bluechel, Jones, Wanamaker, Newschwander, Gould, Gaspard, Goltz, Washington, Marsh, Wojahn, Wilson, Mardesich, Donohue and Henry: Requesting Congress funding and development of Fast Breeder Reactor and nuclear fusion power.					* 2817 Rules	
83. Senators Guess, Benitz, Rasmussen, Donohue, Scott, Morrison and Pullen: Directing Senate committee on higher education request audit of higher education personnel and dollars expended in influencing legislation.					* 2817 Rules	
84. Senators Marsh, Buffington, Rasmussen and Francis: Directing Senate committees on judiciary and state government study issues pertaining to individual's right to privacy relating to information concerning that individual which has been gathered by state agencies.					* 2817 Rules	
85. Senators Buffington and Day: Directing Senate committee on social and health services study In-Home service programs.					* 2817 Rules	

86. Senators Peterson, Wilson and Guess: Directing Senate committee on natural resources study navigability of inland lakes and rivers.	✱ 2817 Rules	.....
87. Senator Peterson: Directing Senate committee on natural resources study establishment of pilot program for privately owned release-recapture salmon rearing facilities..	✱ 2817 Rules	.....
88. Senators Rasmussen and Day: Directing Senate committee on state government study intergovernmental relations of various governmental entities with Washington state particularly intergovernmental lobbying.	✱ 2818 Rules	.....
89. Senator von Reichbauer: Directing Senate committee on parks and recreation study desirability and feasibility of establishing system for allowing reservations of campsites in state parks.	✱ 2857 Rules	.....
90. Senator von Reichbauer: Directing Senate committee on parks and recreation study need for additional boat launching facilities and related implications.	✱ 2857 Rules	.....
91. Senator von Reichbauer: Directing Senate committee on parks and recreation study need for boat launching facilities.	✱ 2857 Rules	.....
92. Senator von Reichbauer: Directing Senate committee on parks and recreation study desirability of written guide of park and recreation sites in Washington state.	✱ 2857 Rules	.....
93. Senator von Reichbauer: Directing Senate committee on parks and recreation study subject of driving on ocean beaches.	✱ 2857 Rules	.....
94. Senator von Reichbauer: Directing Senate committee on parks and recreation study need for improved parks, sports and recreational facilities.	✱ 2857 Rules	.....
95. Senator von Reichbauer: Directing Senate committee on education study textbook disposal system.	✱ 2857 Rules	.....
96. Senators Washington, Walgren and Clarke: Directing Senate facilities and operations committee study Oregon joint ways and means committee system.	✱ 2882 Rules	.....
97. Senator Mardesich: Directing president of Senate appoint committee known as State Employee Insurance Plan Review, committee direct study of employee insurance program experience.	2858	..... 2858 Adopted

✱ Referred to committee indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
98. Senators Donohue, Scott and Rasmussen: Directing Senate committee on ways and means study and prepare comprehensive master plan for legislative consideration of biennial state capital budget requirements.					* 2832 Rules	
99. Senator Donohue: Directing Senate Committee on ways and means study and prepare analysis of general budget, revenue, taxation, general government, judicial, human rights, natural resources, transportation.					* 2832 Rules	
100. Senators Goltz, Bluechel and North: Urging Congress to pass legislation ensuring continued protection of National Interest Lands in Alaska.	2858				* 2859 Rules	
101. Senators Morrison, Sellar and Jones: Directing Senate committee on labor study need and effect of legislative revision to Title 51 RCW to allow self-insurance for qualified groups and associations.					* 2832 Rules	
102. Senators Lewis and Rasmussen: Directing director of office of program planning and fiscal management direct his employees to refrain from advocating political positions in future issues of "Washington State".					* 2859 Rules	
103. Senators Washington, North, Goltz, Ridder and Guess: Directing Senate committee on ecology study feasibility of state authorizing establishment of bottle and can redemption centers.					* 2857 Rules	
104. Senators Washington, Ridder, Goltz, Guess and Murray: Directing Senate committee on ecology evaluate effectiveness of state environmental policy act.					* 2857 Rules	
105. Senator Francis: Directing Senate judiciary committee study existing planning agency, state law and justice planning office in effective administration of criminal law in Washington State.					* 2857 Rules	

106. Senator Francis: Directing Senate judiciary committee study proposals for tort law revision.		* 2857 Rules	
107. Senator Washington: Directing Senate committee on ecology evaluate effectiveness of shoreline management act.		* 2874 Rules	
108. Senators Ridder and Morrison: Directing Senate committee on labor interim study industrial insurance system of Washington State.		* 2857 Rules	
109. Senator Morrison: Directing Senate committee on ways and means study possibility of and method by which state budget cycle could be changed.		* 2973 Rules	
110. Senators Day, Talley, Henry, Goltz, Herr, Rasmussen, Morrison, Sellar and Matson: Directing Senate committee on labor obtain complete and full accounting of logging Class 50-1 premium moneys received and dispersed.		* 2973 Rules	
111. Senators Sandison and Walgren: Requesting state highway commission and toll bridge authority rename Hood Canal Bridge in honor of William A. Bugge.	2973		2973 Adopted
112. Senators Rasmussen and Peterson: Urging Congress enact legislation amending federal "Black Bass" Act to accomplish same restrictions on sale, delivery, or transportation of steelhead trout as apply to black bass.	2973		2973 Adopted
113. Senators Talley and Bausch: Directing Senate committee on local government study effects of change in law as proposed by House Bill 32, redefining regular property taxes and levies for port district.		* 2991 Rules	
114. Senators Sandison and Talley: Directing Senate committees on transportation and local government study matters directly related to siting of oil port on Olympic Peninsula and siting of other facilities elsewhere throughout the state in general.		* 3091 Rules	
115. Senators Benitz, Odegaard, Henry and Scott: Directing council on post-secondary education consider State Need Grant program, whether definitions contained under RCW 28B.10.802 should be amended.	3091		3091 Adopted
116. Senators Day, Walgren and McDermott: Directing committee on social and health services study Senate bills 2861, 2871, 2919 regarding handicapped persons.		* 3091 Rules	

* Referred to committee indicated.

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
117. Senators Walgren, Odegaard, Matson and Newschwander: Appointing committee to notify House that Senate is ready to adjourn first extraordinary session of the forty-fifth legislature SINE DIE.	3106	3107	.....	.....		3106 Adopted
118. Senators Odegaard, Walgren and Matson: Providing for completion of work of the Senate after adjournment and during the interim period between the close of the first extraordinary session of the forty-fifth legislature and the convening of the next session.	3094	.....	.....	.....		3096 Adopted

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1. (ENGROSSED) Representatives Conner, Pruitt and Vrooman: Authorizing port districts to waive or reduce rent security deposits for nonprofit corporations.	235, 668	236	623	643	643	643	.....	682	684	CH. 41
3. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Kilbury, Boldt and Oliver): Taxing federal nuclear power generators.	1104, 2891, 2912, 2913, 2975, 2992, 3000	1104	2001, 2913, 2976	2480, 2849	2851	2851, 2976	2478, 2480, 2891, 2892, 2912, 2913, 2976	3000	3001	CH. 366X
10. (ENGROSSED) Representatives Fischer and Hughes: Revising law on public employees' collective bargaining.	1351	1352	.....	.....	.....	.....	.....	.....	.....	.....
12. Representative Fischer: Removing a limitation on use of school bus warning lights.	391	417	635	653	653	653	.....	682	684	CH. 45
13. (ENGROSSED SUBSTITUTE) Committee on Institutions (originally sponsored by Representatives Fischer and Clemente): Expanding the work release program to include treatment.	1484	1485	.....	.....	.....	.....	.....	.....	.....	.....
18. Representatives Sherman, Knedlik and North: Adding municipal gasworks to utilities that can get lien for unpaid bill.	235, 737	236, 751	623	.....	.....	.....	652	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
21. Representatives Greengo, Warnke, Leckenby, Barnes and Sanders: Increasing allowable investment by banks and trust companies in stock of small business investment companies.	1218	1230	1537							
23. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Valle, Burns, Charnley, Craswell, Erickson, Fischer, Grimm, Gruger, Hawkins, Kreidler, Maxie, Paris, Pruitt, Sanders and Whiteside): Establishing a dental disciplinary board.	609, 737	610, 751	881	989	989	989		1061	1061	CH. 5X
24. (SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Ehlers, Nelson (Gary) and Sommers): Establishing a program of training and career development for state civil service employees.	1319	1320	1515	1882	1882	1882		1966	1999	CH. 105X
27. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representative Paris, Warnke, Leckenby, Deccio, Lee and Salatino): Creating the small business committee and empowering it to review matters relating to small business enterprises.	1218, 1582	1230	1423	1564	1564	1564		1622	1623	CH. 70X

30. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representative Erickson): Requiring the recording of notices of water and sewer hook-up charges and requiring contracts for the sale of undeveloped lands to include any restrictions on water or sewer facilities.	235, 697	237	648	672	672	672	705	706	CH. 72X
32. Committee on Revenue (originally sponsored by Representatives Warnke, Valle and Conner): Redefining the term "regular property taxes" for port districts.	334, 737	336, 751							
35. (ENGROSSED) Representatives Heck, Hawkins, Zimmerman, Nelson (Dick) and Tilly: Making the election of PUD commissioners conform more closely to regular non-partisan election laws.	535	535	648	673	673	673	697	698	CH. 53
37. (ENGROSSED) Representatives Hurley (Margaret), Paris, North, Lee and Gaines: Establishing a campsite reservation system in state parks.	2321	2362							
38. (ENGROSSED) Representatives Hanna and Conner: Including the Washington state patrol under the public employee collective bargaining laws.	582, 737	582, 752							
41. (ENGROSSED) Representatives Hurley (Margaret), Lee and North: Providing mounted rangers to two state parks.	609, 737	610, 752	1285						
42. Representatives Hurley (Margaret), Paris, North and Lee: Limiting the use of state parks.	1351	1352	1515						
43. (SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Representatives Hurley (Margaret), Lee, North and Gaines: Planning urban area state parks.	1423	1424	1515						

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
44. (ENGROSSED SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Representatives Hurley (Margaret), North, Paris and Lee): Establishing moorage fees in marine state parks.	391, 737	417, 752	1499							
45. Representatives Flanagan, Hansen, Amen, Oliver and Patterson: Extending the filing date of liens and crops.	451	488	623	640	640	640		682	684	CH. 21
46. Representatives Clemente, Lux and Fischer: Authorizing adjustments of workmen's compensation payments.	517, 737, 2282	517, 752	1523	2066	2067	2067		2320	2321	CH. 202X
47. (ENGROSSED) Committee on Elections and Governmental Ethics (originally sponsored by Representatives Heck, King, Hawkins, Burns and Nelson (Dick): Allowing persons to register and vote by absentee ballot during the thirty days immediately preceding an election.	334, 737	336, 752	648							
49. Representatives Clemente, Lux, King, Gruger and Knedlik: Changing the term "workman" to "worker" throughout the state industrial insurance laws.	517, 737	517, 752	1382	2068, 2637	2637	2637	2069	2725	2730	CH. 350X, PV

50. (ENGROSSED SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Kilbury, Boldt and Martinis): Requiring speedometers on locomotives.	816, 2365	831	1188	2283	2284	2284	.....	2465	2466	CH. 263X
51. (SUBSTITUTE) Committee on Labor (originally sponsored by Representatives King, Charnley, Fischer, Burns and Pruitt): Defining preschool for purposes of the state unemployment compensation laws.	208, 737	217, 752	.....	.....	.....	.....	.....	.....	.....	.....
54. Representatives Ehlers, Boldt and Polk: Authorizing direct billing to the legislature for services provided by the department of general administration.	940	940	1077	.....	.....	.....	.....	.....	.....	.....
55. (ENGROSSED) Representatives Deccio, Boldt, Becker, Kilbury, Amen, Flanagan, Hansen, Erickson and Clayton (by House Committee on Agriculture of the forty-fourth legislature request): Revising regulation and support of stream patrolmen.	183	186	547	628	628	628	.....	682	684	CH. 22
57. (ENGROSSED) Representatives Valle, Hughes, Charnley, Hawkins, Douthwaite, Flanagan, Chandler, Zimmerman, Lux and Becker (by House Committee on Ecology of the forty-fourth legislature request): Modifying the environmental coordination procedures act.	309, 697	311	635	660	661	661	.....	705	706	CH. 54
58. (ENGROSSED) Representatives Ehlers, Boldt and Polk: Establishing a method by which certain criminal cost bills will be paid by the state.	925	926	1515	.....	.....	.....	.....	.....	.....	.....
59. (ENGROSSED) Representatives King, Burns, Bender, Fischer, Charnley, Pearsall, Douthwaite, Knowles, Lux, May, McKibbin, Moreau and Salatino: Providing for collective bargaining at the state institutions of higher education.	208, 737	217, 752	1523	2823, 2868-2870	2870, 2981	2981	2831, 2985	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
63. (SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Ehlers, Nelson (Gary) and Sommers): Establishing a program of training and career development for state civil service employees.	1319	1320								
64. Representatives Nelson (Gary), Ehlers, Knedlik, Lee, May, Polk, Sanders, Struthers and Toller: Abolishing inactive or obsolete boards and commissions.	208, 737	217, 752	1146							
67. (SECOND SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representatives Sommers, Nelson (Gary), McKibbin and Douthwaite): Transferring authority for nuclear energy development from the department of commerce and economic development to the state energy office.	1218	1230	1512							
68. (ENGROSSED SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Ehlers, Sommers, Nelson (Gary) and North): Expanding the cemetery board and providing for its abolition in 1979. . .	392, 737, 1605, 1661, 2433, 2662	417, 752	939, 2364, 2514	1530	1533	1533, 2514	1605, 1609, 2357, 2514	2725	2730	CH. 351X

69. (ENGROSSED) Representatives Nelson (Gary), Sommers, Leckenby, Boldt, Clayton, Deccio, Ehlers, Greengo, Knedlik, Lee, Polk and Taller: Reporting cost data on boards and commissions.	290, 665	297	608	628	628	628, 665	665	683	684	CH. 23
70. (ENGROSSED SUBSTITUTE) Committee on State Government (originally sponsored by Representatives O'Brien, Nelson (Gary), Ehlers, Burns, Greengo, Knedlik and Lysen) (by Governor Evans request): Providing for an office and advisory council on archaeology and historic preservation.	609, 737, 2146	610, 753	1103	1971	1977	1979	1958	2243	2250	CH. 195X
71. (ENGROSSED SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Sommers, Zimmerman, Burns, Charnley and Greengo) (by Governor Evans request): Authorizing property tax exemption for improvements to historic sites or structures.	609, 737	610, 753	.....	.....	.....	.....	.....	.....	.....	.....
73. (ENGROSSED) Representatives Ehlers, Nelson (Gary), Bauer and Burns: Implementing law relating to state agency housing.	561, 737	561, 753	.....	.....	.....	.....	.....	.....	.....	.....
74. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Williams, Chandler, Ehlers, Burns and Greengo): Implementing law relating to historic preservation of sites and structures within the state.	1351	1352	.....	.....	.....	.....	.....	.....	.....	.....
76. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Williams, Polk, Ehlers and Burns): Providing in state building code for fire stairs and fire elevators in historic structures.	1149	1150

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

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79. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Erickson and Knedlik): Permitting large counties to have five county commissioners.	561, 737	561, 753
85. (ENGROSSED) Representatives Fischer, Pearsall and King: Including certain law enforcement and court personnel under the public employee collective bargaining laws.	183, 737	186, 753	.....	.....	.....	.....	.....	.....	.....	.....
91. (ENGROSSED) Representatives Erickson, Greengo, Gallagher, Ehlers, Grimm, Hughes, Salatino and Walk: Excluding any church building or portion thereof maintained by a religious order as an exclusive residence for either clerics or nuns from the definition of nursing home.	235	237	.....	.....	.....	.....	.....	.....	.....	.....
95. Representatives Sherman, Charnley and Lee: Redefining "roadway" and permitting only certain stops therein.	290	297	608	629	629	629	.....	682	684	CH. 24
98. (ENGROSSED) Representatives Bauer, Charnley, Douthwaite, Kilbury, Lee, Lysen, Smith and Nelson (Gary): Establishing thermal performance standards for new dwellings.	862, 737, 1261	367, 753	548, 881	1151	1153	1154	689	1820	1820	CH. 14X

100. (ENGROSSED SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives North and Smith): Requiring under certain conditions, reimbursement for cost of a loaner vehicle when owner's is destroyed.	392, 737	417, 763	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
102. (ENGROSSED SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives McKibbin, Nelson (Gary) and Sommers): Providing for highway permits and property taxes on mobile homes.	492, 737	493, 763	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
104. (ENGROSSED) Representatives King, Berentson, Conner, Erickson, Fortson, Grier, Hansen, Knedlik, Kreidler, Moreau, North, Owen, Pearsall, Sherman, Shinpoch, Struthers, Vrooman and Walk: Exempting volunteer firemen from the state minimum wage act.	235, 737, 1582	237, 763	1241	1544, 1565	1544, 1566	1545, 1566	237, 1545, 1548, 1558, 1565	1622	1623	CH. 69X	.....	.....	.....
105. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Warnke, Valle, Greengo, Gaines and Sanders): Revising a definition in economic development law.	1104	1104	1346	2498	2498	2498	.....	2665	2665	CH. 296X	.....	.....	.....
106. Representatives Conner, McCormick, Patterson, Fancher, Fuller and Struthers (by Department of Motor Vehicles request): Deleting the requirement of farmer signature for vehicle farm license applications and permits the movement of parade floats with letters of authority.	309	311	608	629	629	629	.....	682	684	CH. 25	.....	.....	.....
108. Representatives Conner and McCormick (by Department of Motor Vehicles request): Revising the special fuel tax laws.	517	517	636	654	654	654	.....	683	684	CH. 26	.....	.....	.....
109. Representatives Conner, McCormick, Patterson and Knedlik: Repealing a provision of the financial responsibility law declared unconstitutional by the United States supreme court.	309, 737	312, 763	814	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

120. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Warnke, Greengo, Paris, Gaines, Dunlap, Bond, Fancher, Knedlik, Leckenby, Salatino and Struthers): Establishing a business license center.	1319, 2245, 2726	1320	1500, 2667	1964	1965	1965	2246, 2667	2748	2748	CH. 819X
122. Committee on Transportation (originally sponsored by Representatives Conner, Owen and Vrooman): Increasing county participation in reviews of ferry tariffs and charges.	334	336	608	630	630	630	.....	632	634	CH. 29
123. (ENGROSSED SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Charnley, Owen, Moreau, Burns, Gruger, Knedlik, Lux, Salatino and Vrooman): Making unlawful the commercial selling of term papers, theses or other work assignments utilized for postsecondary education purposes.	290, 797	297, 754	1132	.....	.....	.....	.....	.....	.....	.....
125. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Ehlers, Hawkins, Erickson, Hanna and Salatino): Revising laws affecting residents of soldiers' and veterans' homes.	884	884	1190	1918	1923	1923	.....	2153	2153	CH. 186X
127. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Ehlers, Lee, Thompson, Gaines, Grimm and Knedlik): Authorizing community corporations for local government in unincorporated areas.	884	884	.....	.....	.....	.....	.....	.....	.....	.....
129. (ENGROSSED) Representatives Amen, Flanagan, Shinpoch, Tilly, Thompson, Polk, Knedlik, Bond, Clayton, Fuller, Greengo, Lee, Sanders, Taller and Zimmerman: Requiring fiscal impact statements on proposed legislation.	492, 737	498, 754

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

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130. Representatives Erickson, Clemente, Lux, Chandler, Gaines, Grier, Grimm, Heck, Lee, Sherman and Walk: Exempting fire districts from the one hundred six percent property tax limitation.	492, 737	493, 754								
135. Representatives Amen, Shinpoch, Flanagan, Polk, Knedlik and Oliver (by Legislative Budget Committee request): Repealing certain obsolete laws relating to reclamation.	492	493					494			
136. Representatives Amen, Flanagan, Shinpoch, Polk, Knedlik, Clayton, Fuller and Oliver (by Legislative Budget Committee request): Repealing certain obsolete laws relating to agricultural conservation.	334	397	548	640	641	641		682	684	CH. 80
138. (ENGROSSED SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Eng, Lux, Pardini, Maxie, Blair, Greengo, Hanna, Salatino and Shinoda) (by Commission on Asian-American Affairs request): Continuing the Washington state commission on Asian-American affairs until June 30, 1983.	1218, 2652	1230	1560	2314, 2481	2481	2483	2314	2668	2669	CH. 297X

139. Representatives Polk, Amen, Shinpoch, Flanagan and Oliver (by Legislative Budget Committee request): Deleting obsolete powers of town supervisors.	208	217	.....	.....	.....	.....	.....	.....	.....
141. Representatives Flanagan, Amen, Shinpoch, Polk, Knedlik and Oliver (by Legislative Budget Committee request): Deleting obsolete requirements for guideposts.	208	217	.....	.....	.....	.....	.....	.....	.....
143. Representatives Shinpoch, Flanagan, Polk and Taller (by Legislative Budget Committee request): Deleting an obsolete restriction on employment of aliens.	535, 737	535, 754	.....	.....	.....	.....	.....	.....	.....
144. Representatives Polk, Shinpoch, Amen and Flanagan (by Legislative Budget Committee request): Deleting obsolete provisions for county homesite lands.	208	217	.....	.....	.....	.....	.....	.....	.....
146. (ENGROSSED) Representatives McKibbin, Zimmerman, Heck, Bauer, Boldt and Charnley: Authorizing bus transit service by agreement with a public transportation agency of a contiguous state.	451	489	686	656	656	656	688	684	CH. 46
148. Representatives Enbody, Thompson and Conner: Providing for the operation and maintenance of the Puget Island ferry.	517	518	623	641	641	641	682	684	CH. 37
149. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Charnley, Sherman, Patterson, Conner, Chandler, Moreau, Burns, Greengo, Hughes and Knedlik): Authorizing cooperative efforts by the state and cities to encourage rail and bus passenger service.	1319	1320	1500

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
150. (ENGROSSED) Representatives May, Grier and Wilson: Revising the definition of "public work" for government contracts.	940, 2062	940	1241	1925	1925	1925	.....	2133	2133	CH. 177X
153. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Gallagher, Pearsall, Grier and Wilson): Revising the law on public works contracts.	800, 1966	801	1021	1878	1878	1879	.....	2153	2153	CH. 187X
161. (ENGROSSED SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Gaines, Charette, Decco and Moreau): Liberalizing the mutual savings bank law.	816	831	1033	1610	1611	1611	.....	1840	1841	CH. 104X
163. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Berentson, Haley, Wilson and Paris): Eliminating basic science examination requirement for physicians, surgeons, and osteopaths.	1104	1105	.....	.....	.....	.....	.....	.....	.....	.....
165. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Valle, Zimmerman and Thompson): Enacting the "Public Water System Coordination Act of 1977".....	773, 1911	776	1209	1754	1756	1756	.....	1966	1999	CH. 142X

167. Representative Eng: Changing the time for filing and penalty of bank and trust company reports.	392	417	636	656	656	656	657	683	684	CH. 38
169. (ENGROSSED SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Shinpoch, Blair and McKibbin) (by Governor Evans request): Adopting a supplemental budget.	153, 232	159	208	218	227	228	208	232	232	CH. 1
172. Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request): RCW correction—repeals RCW sections to correct education code.	208	217	423	612	612	612	.....	638	638	CH. 5
173. Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request): RCW correction—corrects double amendment to RCW 41.05.020 and 41.06.110.	208	218	423	613	613	613	.....	638	638	CH. 6
174. Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request): RCW correction—corrects double amendment to RCW 43.17.010 to 43.17.020.	208	218	423	613	613	613	.....	638	638	CH. 7
175. Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request): RCW correction—corrects double amendment to RCW 46.16.210.	208	218	423	614	614	614	.....	638	638	CH. 8
176. Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request): RCW correction—corrects double amendment to RCW 67.08.003.	208	218	423	614	614	615	.....	638	638	CH. 9
177. Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request): RCW correction—corrects double amendment to RCW 70.95.040.	208	218	424	615	615	616	638	638	CH. 10

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178. Representatives Monohon, Knowles, Charette and Knedlik (by Code Reviser's Office request): RCW correction—corrects double amendment to RCW 82.04.291.	208	218	424				611			
180. Representatives Hanna, Shinpoch, Enbody, Smith, Leckenby and Winsley: Extending long-arm statute for parties in marriage dissolution cases.	235	238	628	641	641	642		682	684	CH. 39
181. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives King, Haley and Lux): Providing for physician's trained intravenous technicians and airway management technicians.	362	367	648	673	678	674		697	698	CH. 55
183. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Smith, Knowles, Enbody, Knedlik and Hanna): Establishing procedures for guardianship of disabled persons.	609, 737, 2034, 2543, 2662		814, 2501, 2543	1732	1733	1733, 2543	2035, 2072, 2512, 2543	2715	2716	CH. 809X
186. Representatives Keller, King, Kreidler, Smith, Burns, Owen and Vrooman: Permitting public employees to participate in nonpartisan political campaigns as well as partisan campaigns...	535, 699, 737	535	624	652, 663, 2447, 2483	664		652, 660, 699, 2447, 2484			

191. Representatives Shinpoch, Knowles, Smith, Leckenby, Winsley and Knedlik: Authorizing certain court proceedings in marriage dissolution cases to be expedited.....	235, 737	238, 754	1515							
194. (SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representative Eng): Extending the definition of the "funds" of a mutual savings bank.	451, 737	489, 754	1387	2284	2284	2284	.....	2465	2466	CH. 241X
195. Representatives Shinpoch, Warnke, Charnley, Hughes and Knedlik (by Office of Program Planning and Fiscal Management request): Extending time bonds of the Washington Futures Program of 1972 may be issued.	517, 737, 2365	518, 754	1515	2285	2285	2285	.....	2465	2466	CH. 242X
196. (ENGROSSED SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Bauer, Pardini, Clemente, Sommers, Lee, Polk, Fortson, Barnes, Erickson, Greengo, Heck, Knedlik, North, Sanders, Wilson (by Superintendent of Public Instruction request): Implementing constitutional amendment permitting school district levies for two-year periods.		158	159							
199. Representatives Sommers, Nelson (Dick), Knedlik and Lux: Allowing the state fire marshal access to criminal offender record information.	535, 737	535, 754	814	1513	1513	1513	.....	1542	1542	CH. 30X
200. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Sommers, Nelson (Dick), Ehlers and Lux): Increasing the petty cash account limit.	451	489	608	630	630	630	.....	682	684	CH. 40
204. (SUBSTITUTE) Committee on Elections and Governmental Ethics (originally sponsored by Representatives Hawkins, Heck, Barnes, Burns, Charnley and Sherman): Making punchcard voting more efficient and certain.	535, 737	536, 754								

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
208. Representatives Smith, Salatino, Knedlik, Erickson, Nelson (Gary), North, Enbody and Leckenby: Providing attorneys' fees for the prevailing party in contract and lease dispute..	451, 737	489, 755	814	2199	2199	2199	.....	2320	2321	CH. 203X
209. (ENGROSSED SUBSTITUTE) Committee on Elections and Governmental Ethics (originally sponsored by Representatives Nelson (Dick), Hawkins, Hughes and Lux): Giving information on delegate selection in the voter's pamphlet.	384	337	648	674	674	675	.....	697	698	CH. 56
210. (ENGROSSED) Representatives Shinpoch, Knedlik and Vrooman: Authorizing a civil penalty to be assessed against certain public officers who fail to have motor vehicles marked in accordance with the provisions of state law.	978	978	1241	.....	.....	.....	.....	.....	.....	.....
213. Representatives Shinpoch, Knedlik and Vrooman: Requiring the school directors' association to mark its vehicles in conformance with state law.	609, 737	610, 755	696	.....	.....	.....	.....	.....	.....	.....
216. Representatives Bauer, Berentson, Barnes, Heck, Fuller, Hanna, Dunlap, Hawkins, Green-go and Knedlik: Allowing expenses for school district superintendent candidates who travel for employment interview.	235, 697	238	624	652	653	653	.....	705	706	CH. 73

217. (SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives Charnley, Newhouse, Knowles, Knedlik, Monohon and Grier): Increasing insurance coverage required for auto transportation companies to obtain certificate of operation.	309, 787, 2622	812, 755	707	2328, 2475	2328, 2475	2475	2328, 2475	2665	2665	CH. 298X
219. (SUBSTITUTE) Committee on Elections and Governmental Ethics (originally sponsored by Representatives Hawkins, Burns, Hughes and Lux): Changing the dates for primary elections and for filing declarations of candidacy.	1126	1127	.....	.....	.....	.....	.....	.....	.....	.....
225. (ENGROSSED SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Burns, Lux, Zimmerman, Chandler, Gruger, Pruitt and Sanders) (by Commission on Asian-American Affairs request): Granting resident status to immigrant refugees for college tuition.	888, 2365	838	1021	2812	2313	2313	.....	2465	2466	CH. 265X
227. (ENGROSSED SUBSTITUTE) Committee on Elections and Governmental Ethics (originally sponsored by Representatives Hawkins, Nelson (Dick), Lysen, Burns, Fortson, Heck, Lux and Pruitt): Establishing postcard voter registration.	375, 737	387, 755	648	.....	.....	.....	.....	.....	.....	.....
228. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Conner, Gilleland, Charnley and Berentson): Providing for the regulation of motor vehicle towing.	1351	1352	1500	1965	1965	1965	.....	2068	2064	CH. 167X
229. Representative Hurley (Margaret) (by Parks and Recreation Commission request): Permitting longer concessions and leases in state parks.	451, 737	489, 755

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230. Representatives North and Lee (by Parks and Recreation Commission request): Revising the penalty for a winter recreational parking violation.	492, 698	493	636	657	658	658, 698	698	707	707	CH. 57
235. (ENGROSSED) Representatives Shinpoch, Polk and Thompson (by Legislative Budget Committee to Implement Performance Audit recommendations): Amending laws relating to public printing.	535, 737	536, 755	955	.....	.....	.....	.....	.....	.....	.....
236. (ENGROSSED) Representatives Shinpoch, Flanagan, Thompson, Amen, Knedlik, Polk, Deccio, Ehlers and Knowles (by Legislative Budget Committee request): Establishing a civil penalty in certain cases where state officers or employees violate budgetary provisions.	838, 2806	838	1205	2731	2731	2732	.....	2817	2818	CH. 320X
237. Representatives Adams, Whiteside, Fortson, Pruitt, Newhouse, Paris, May, Pearsall, Kreidler, Lux, Charette, Charnley, Shinpoch, Conner, Fischer, McCormick, Gallagher, North and Knowles: Requiring the establishment of continuing education requirements for psychologists.	290	298	649	675	675	675	.....	697	698	CH. 58

238. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Gallagher, Sanders, Knowles and Fischer): Revising law relating to public works contract.	868	868	1421	1604	1604	1605	.....	1622	1623	CH. 71X
240. Representatives King, Vrooman, May, Hughes, Lux and Martinis: Regulating motor vehicles used by railroad companies transport employees.	582, 737	582	649	675, 821	676, 821	677, 821	820	884	884	CH. 2X
242. Representative Hanna: Deleting minimum requirement for instruction at cosmetology school.	424, 737	447, 755	814	.....	.....	.....	.....	.....	.....	.....
245. (ENGROSSED) Representative Hanna: Allowing counties to establish biweekly pay periods.	517	518	624	642	642	642	.....	682	684	CH. 42
249. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Hanna and Fischer): Requiring participation in an alcohol program upon any drunk driving conviction...	1319	1320	.....	.....	.....	.....	.....	.....	.....	.....
251. (SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Fortson, Adams, Kreidler, Pruitt, Hanna, Shinpoch, Whiteside, Gruger, Pearsall, Lux, May, Bauer, Burns, Deccio, Fischer, Gaines, Grimm, Hansen, Hurley (George), Knowles, Knedlik, Martinis, Maxie, McCormick, Nelson (Dick), North, Sherman, Tilly, Vrooman, Amen, Barr, Bender, Charnley, Clayton, Douthwaite, Ehlers, Erak, Erickson, Fancher, Fuller, Gilleland, Haley, Hawkins, Lee, Nelson (Gary), O'Brien, Oliver, Pardini, Patterson, Salatino, Sanders, Schmitten, Shinoda, Taller, Walk, Warnke, Williams, Wilson, Winsley and Grier: Making changes in the senior citizens services act.	773, 2806	776	2733	2733	2734	2735	2822	2823	CH. 321X

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252. (SECOND SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Adams, Haley, Kreidler, Whiteside, Gruger, Fortson, Barr, Lux, Hanna and Charnley): Enacting the "Natural Death Act".	1218	1280	1285							
254. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Adams, Kreidler, Fortson, Pruitt, Lux, Hanna and Fischer): Providing a patients bill of rights.	1484	1485								
255. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Newhouse and Thompson): Granting irrigation and port districts the power to designate their own treasurers.	451, 787, 2992	489, 755	1193	2286, 2445, 2974	2286, 2975	2445, 2975	2286, 2479-2480	2999	3001	CH. 867X
257. (ENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Thompson, Haley, Adams, Blair, Charnley, Becker, Hanna, Douthwaite, Williams, Lux, Chandler, King, Burns and Nelson (Dick): Enacting the Marijuana Education and Control Act of 1977.	1012	1012	1515							

261. (ENGROSSED SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representatives Smith, Martinis, Conner, Nelson (Gary), Kilbury, Wilson, Oliver, Greengo, Knedlik, Hughes, Gilleland, Bond, Haley, Fuller, Flanagan, Gaines, Clemente and Sanders): Authorizing private ownership and operation of release-recapture salmon rearing facilities..	888	889	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
262. Representatives Martinis, Wilson, Moreau and Vrooman: Allowing a game commission determination of the quantity of wild animals that can be taken.	290, 701, 706, 711	298	637	658	659	659	701, 706	718	720	CH. 74			
267. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representative Martinis) (by Department of Natural Resources request): Modifying the law on the acquisition and disposition of public lands for state highways.	1104	1105	1241	1780	1780	1780	.....	1774	1774	CH. 108X			
271. (REENGROSSED) Representatives Adams, Kreidler, Fortson, Pearsall, Whiteside, Pruitt, Newhouse, Lux, May, Hanna, Haley, Charnley, Fischer, Gallagher, Greengo, McCormick, Moreau and Salatino: Adopting procedures for the establishment of transfer and clinical training programs at the University of Washington school of medicine for Washington residents attending foreign medical schools.	1348, 2715	1852	1571, 2086	2643	2647	2648	1886	2732	2733	VETOED			
274. (ENGROSSED) Committee on Natural Resources (originally sponsored by Representatives Martinis, Wilson, Moreau and Schmitten): Requiring knowledge of trapping techniques for a trapping license in certain cases.	834	337	637	659	660	660	.....	683	684	CH. 43			

285. (ENGROSSED) Representatives O'Brien and Hurlley (Margaret): Renaming Sun Lakes State Park to Victor Aloysius Meyers State Park.....	451, 737, 2364	489, 755	1316	2286	2287	2288	.....	2465	2466	CH. 266X
286. Representatives Nelson (Gary), North, Fortson and Shinoda: Authorizing humane societies to purchase, possess, and administer sodium pentobarbital for the sole purpose of euthanizing injured, sick, homeless, or unwanted domestic pets and animals.	988, 2146	991	1103	1969	1969	1969	.....	2243	2250	CH. 197X
287. (ENGROSSED) Representatives Hansen, Dunlap and Gilleland: Requiring certain county electrical projects to be by contract.	773, 1526	778	1059	1491	1492	1492	.....	1542	1542	CH. 32X
288. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Hanna, Knowles, Smith and Haley): Changing certain terms and provisions of the civil commitment law.	535, 736	536, 756	1847	.....	.....	.....	.....	.....	.....	.....
291. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Clemente, Whiteside and Bauer) (by State Board of Education request): Implementing laws relating to student transfers within the common schools...	582	582	637	662	662	662	.....	683	684	CH. 50
292. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Valle, Chandler, Thompson and Fischer): Changing water district comprehensive planning and finance law.	1423, 2651	1424	1500	1731, 1749, 2489	1731, 2492	1732, 2492	1738, 1749	2668	2669	CH. 299X
293. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Valle, Chandler, Thompson and Fischer): Clarifying and changing sewer district finance law.	1423, 2652	1424	1500	1735, 2492	2493	2493	1738	2665	2665	CH. 300X

307. (SECOND SUBSTITUTE) Committee on Institutions (originally sponsored by Representatives Hanna, Becker, Struthers, Salatino, Knowles, Deccio, Greengo, Fischer and Nelson (Dick): Providing funds for local criminal justice programs.	1149	1150	1516	.....	.....	.....	.....	.....	.....	.....	.....	.....
312. (ENGROSSED SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Erickson, Chandler and Thompson): Charging tuition and fees at state institutions of higher education based on portion of educational costs incurred.	1189, 1496, 2818, 2832	1189	1259, 2807, 2818	1866	1878	1873, 2819	1496, 2818, 2819	2857	2857	CH. 322X		
313. Representatives Knowles, Haley, McKibbin and Vrooman: Relieving from liability hospitals and certain professionals for withdrawing blood when so directed by law enforcement officer pursuant to implied consent law...	609, 736	610, 756	814	1879	1879	1879	.....	1966	1999	CH. 143X		
314. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Thompson, Newhouse and Kreidler): Authorizing pharmacy assistants and providing for their regulation...	865, 1753	865	1481	1651	1652	1652	.....	1774	1775	CH. 101X		
316. (ENGROSSED) Representatives Fortson, Adams, Pruitt, Kreidler, Lux, Pearsall, Hanna and Knedlik: Revising licensing requirements for nursing home administrators.	1819	1821	1500	2298	2298	2298	.....	2465	2466	CH. 249X		
318. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Hansen, Fortson, Fancher, Gaines, Kilbury, Boldt, Charnley, Amen and Knedlik): Permitting owners of property subject to condemnation proceedings to give the property to governmental unit involved.	838, 2716, 2805	839	1756, 1761, 1516, 2860	1911, 1980	1982	1982	1757, 1768, 1912, 2716, 2722, 2861-2862, 2867-2868		

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320. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Fortson, Whiteside, Adams, Gruger, Kreidler, Shinpoch, Lux, Pearsall, Pruitt, Haley, Hanna, Knedlik and Nelson (Dick): Licensing adult day care centers.	1149	1150
321. Representatives Adams, Haley, Kreidler, Pruitt, Fischer and Lux: Authorizing venereal disease case investigators to perform venipuncture under certain conditions.	535	536	649	677	677	678	.....	698	698	CH. 59
323. (ENGROSSED SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Sommers, Pardini, Eng, Polk, Burns, Deccio, Lux, Douthwaite, Taller, O'Brien and Maxie): Regulating lending practices of financial institutions.	492, 736, 2651	498, 756	1587	2494, 2518	2518	2519	2498	2668	2669	CH. 301X
327. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Thompson, Chandler and Bender): Providing for the certification and regulation of operators of public water supply systems.	1126, 1758	1127	1481	1602	1602	1604	.....	1774	1841	CH. 99X

334. (SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Kreidler, Whiteside, Adams, Lux, Pruitt and Fischer): Establishing a sexually transmitted disease clinic at the University of Washington.	1484	1485	.....	.....	.....	.....	.....	.....	.....
335. Representatives Bauer, Bender, Lee and Gilleland: Modifying the procedure for awarding public works contracts by cities and towns of the second, third, and fourth class.	816	831	1220	1569	1569	1570	.....	1588	1585 CH. 41X
338. (ENGROSSED) Representative Eng: Providing for the removal of bank officers and bank cease and desist orders by the supervisor.	535, 736	536, 756	1523	2018	2018	2018	.....	2138	2133 CH. 178X
340. (ENGROSSED SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Polk and O'Brien): Exempting securities issued by nonprofit recognized religious denominations from state securities regulation laws.	773	777	1388	2065	2065	2066	.....	2158	2153 CH. 188X
344. (ENGROSSED) Representatives Hansen, Fancher, Fortson, Kilbury, Tilly, Boldt, North and Bauer: Prohibiting use of foreign beef and mutton in public institutions.	965	965	1103	.....	.....	.....	.....	.....	.....
347. Representatives Fortson, Kreidler, Whiteside, Schmitt, Adams, Lux, Pearsall, Barr, Pruitt and Fischer: Defining the term "consultant pharmacist".	1351	1353	.....	.....	.....	.....	.....	.....	.....
348. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Fortson, Kreidler, Lux, Adams, Pearsall, Pruitt and Haley): Permitting emergency suspension or restriction of nursing home operations.	1423, 2433	1424	1524	2328	2329	2329	.....	2465	2466 CH. 244X

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
351. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Gaines, Gallagher, Fischer, Boldt, Warnke and Charnley): Giving insured persons the right to have damaged vehicles repaired in shop of own choice.	1218	1230								
353. (ENGROSSED SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Tilly, Wilson and Leckenby): Revising the provisions of the law of compensating victims of crimes.	1061, 2035, 2512, 2662	1949, 1061	2426, 2512	1595	1601	1601, 2513	2035, 2072, 2432, 2512	2668	2669	CH. 302X
355. (ENGROSSED) Representatives Burns, Vrooman, Lux, Pruitt, Clemente, Lysen, Charnley, Douthwaite and Sherman : Relaxing income limitations for retired persons' property tax exemption.	940, 2432	940	1648	2299, 2297, 2315	2316	2316	2295, 2298	2465	2466	CH. 268X
356. (ENGROSSED) Representatives Gaines, Paris, North, Gallagher and Warnke : Limiting the liability relative to unintentional injuries of public and private landowners when such lands are being used by the public for outdoor recreation.	925	926	1021							

357. (ENGROSSED) Representatives Gaines, Warnke, Douthwaite, Gallagher and Grier: Requiring smoke detectors.	773	777	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
358. (ENGROSSED) Representatives Clemente, Barnes, Heck and Kreidler: Authorizing state board of education rules to determine admission qualifications into preschool, kindergarten and the first grade.	609, 736	610, 756	637	671	.....	.....	.....	.....	.....	671	.....	.....	.....	.....	.....	.....	.....	.....	.....
365. (ENGROSSED) Representatives Lysen, Sherman and Knedlik: Requiring total life-cycle cost analysis of proposed action by governmental unit or agency.	1423	1424	1560	2295	.....	.....	.....	.....	.....	2296, 2484	.....	.....	.....	.....	.....	.....	.....	.....	.....
371. (ENGROSSED THIRD SUBSTITUTE) Committee on Institutions (originally sponsored by Representatives Becker, Hanna, Deccio, Knowles, Fischer, Salatino, Nelson (Dick) and Maxie): Revising the juvenile justice and care system.	1194, 2522	1194	1516	2099, 2269-2280, 2357, 2375, 2405,	2402, 2454	2454, 2456	2456	2132, 2406	2668	2669	CH. 291X	.....	.....	.....	.....	.....	.....	.....	.....
376. Representative Martinis: Removing requirement that ocean fishing regulations for Washington be made jointly with Oregon and California.	548, 736, 1753	548, 756	1242	1649	1650	1661	.....	1774	1775	CH. 100X	.....	.....	.....	.....	.....	.....	.....	.....	.....
382. Representatives Taller, Oliver, Lee, Chandler, Polk, Blair, Fuller, Fancher, Schmitt and Bond: Exempting prescription drugs sold to the state or political subdivisions from sales tax.	1149	1150	1516	2043	2043	2044	.....	2133	2133	CH. 179X	.....	.....	.....	.....	.....	.....	.....	.....	.....
384. (SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Eng, Fischer and Vrooman): Providing for the confidentiality of examination reports of financial institutions.	609, 736, 2364	610, 756	1285	2252	2254	2255	.....	2465	2466	CH. 245X	.....	.....	.....	.....	.....	.....	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
385. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Tilly and Smith) (by Judicial Council request): Pertaining to selection of jurors.	535	536	637	665	665	665		683	684	CH. 60
386. (ENGROSSED) Representatives Douthwaite and Grier: Revising law relating to property insurance in connection with credit or a debt.	548, 697	548	649	678	679	679		705	706	CH. 61
387. (SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives Douthwaite and Grier): Restricting reinsurance with insurer not authorized to insure in this state...	1351	1353	1516	2042	2042	2042		2133	2133	CH. 180X
388. (SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives McKibbin, Charnley, Boldt and Lux): Exempting solar energy systems installed as improvements to real property from property taxation.	2740	2831	.....	2840	2840	2840	2831	2857	2857	CH. 364X
389. (ENGROSSED) Representatives Berentson, Hansen, Vrooman, Moreau, Kilbury, Struthers and Charnley: Regulating traffic control devices used when constructing or repairing railroad crossings.	1104	1105	1259	1967	1967	1967		2063	2064	CH. 168X
390. (ENGROSSED) Representatives Berentson, Kilbury and Newhouse: Fixing the rate of repaying damage to animals caused by dogs. ...	424, 736	448, 756	.....	.....	.....	.....		.....	.....	.....

391. (ENGROSSED SECOND SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Pearsall, Newhouse, Hanna and Lux): Regulating audiologists and speech pathologists.	988, 2726	991	1481	2476, 2654	2654	2655, 2712	2476, 2655, 2712	2748	2748	VETOED
393. (SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representative Eng): Requiring information to be filed before the acquisition of control of a bank.	978, 2433	978	1888	2296	2296	2296	.....	2465	2466	CH. 246X
395. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Shinpoch, Charette, Polk, Blair and Knedlik): Revising the procedures for processing claims against the state.	1061	1061	1259	1864	1864	1864	.....	1966	1999	CH. 144X
396. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Tilly and Smith) (by Judicial Council request): Pertaining to selection of jurors.	535, 736	536, 756	1242	.....	.....	.....	.....	.....	.....	.....
397. Representatives Tilly and Smith (by Judicial Council request): Implementing code of responsibility criteria in awarding reasonable attorney's fees in eminent domain cases.	609, 736	611, 757	815	.....	.....	.....	.....	.....	.....	.....
400. (ENGROSSED) Representatives Nelson (Gary), Warnke and Greengo: Authorizing a pilot project to be known as the Washington innovation service institute.	1484	1485	1524	.....	.....	.....	.....	.....	.....	.....
402. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Lysen and Hurley (Margaret): Requiring state agencies to submit budgets that may or may not require increased taxes.	978	978	1188	2297	2297	2297	2465	2466	CH. 247X

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote or Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
407. Representatives Enbody, Monohon and Smith (by Judicial Council request): Modifying the fee for a writ of garnishment.	582, 736	583, 757	1516	.....	.....	.....	.....	.....	.....	.....
409. (ENGROSSED) Representatives Knowles, Tilly and Smith (by Judicial Council request): Eliminating exemptions from jury service.	582, 736	583, 757	815	.....	.....	.....	.....	.....	.....	.....
413. Representatives Knedlik, Knowles and Enbody (by Judicial Council request): Increasing witness fees.	535, 736	536, 757	1517	.....	.....	.....	.....	.....	.....	.....
414. (ENGROSSED) Representatives Tilly and Smith (by Judicial Council request): Modifying the collection of jury costs.	493, 736	493, 757	1517	2310	2310	2310	.....	2465	2466	CH. 248X
417. Representatives Sherman, Warnke, Ehlers and Lysen: Restricting taxes on bingo, raffles, or amusement games only under specified conditions.	1390, 2146	1390	1500	1927, 1929	1929	1929	1927	2243	2250	CH. 198X
424. (ENGROSSED) Representatives Douthwaite, Burns, Lux, Boldt, Leckenby, Pruitt, Nelson (Dick), Valle, Charnley, Hughes, Fischer, Knowles, Chandler, Grier and Bender: Establishing the Washington state commission for the blind.	1218	1231	1350	1547	1547	1547	.....	1583	1584	CH. 40X

427. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Berentson, Vrooman, Moreau and Gallagher): Funding county operated ferries.	535	537	608	681	681	681	681	682	684	CH. 51
429. (ENGROSSED) Representatives Kilbury, May, Clemente, Lux, Burns, Fischer, Becker, Martinis, Bender, Boldt and Grier: Requiring the department of labor and industries to conduct railroad safety inspections relating to employees.	1079	1079	1524							
438. (ENGROSSED) Representatives Sommers and Flanagan: Changing notice requirements for property appraisals made between December 1 and February 15.	1104	1105	1259	2011	2011	2011		2133	2133	CH. 181X
440. (ENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Smith, Winsley and Knowles) (by Judicial Council request): Modifying the homestead exemption.	988	991	1242	1738	1739	1739		1840	1841	CH. 98X
444. Representatives Conner, Charnley, Lux and Grier: Increasing parents' liability for property damage caused by their children to \$3,000.	609, 786, 1911	610, 757	1021	1741	1743	1743		1966	1999	CH. 145X
445. (ENGROSSED) Representatives Smith, Enbody and Leckenby: Revising law relating to eminent domain.	535, 736, 1582	537, 757	815	1513	1514	1514		1622	1623	CH. 72X
446. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Warnke, Polk and Knowles) (by Department of Motor Vehicles request): Changing the requirements for real estate licenses.	1484 2078, 2183, 2862, 2876		1501, 1485 2852, 2862	1743	1745	1745, 2862	2078, 2853, 2862	2912	2913	CH. 370X

453. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Smith, Knedlik, Pardini, Greengo, Charnley, Williams, Walk, North, Burns, Sherman, Gruger, Lux, Knowles, May, Bender, Gallagher, Keller, Enbody, Clemente, Heck, Vrooman, Kreidler, Boldt, Adams, Grier, Hurley (Margaret), Hughes, Erickson, Thompson, Sommers, Owen, Grimm, Struthers, Zimmerman, Dunlap, Becker, Shinpoch, Ehlers, Deccio and Sanders): Harmonizing various provisions of criminal law.	1149	1150	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
459. (ENGROSSED) Representatives Conner, Pearsall, Kilbury, Thompson, Moreau, Nelson (Dick) and Lux: Affecting workmen's compensation where a change of circumstances has occurred.	816, 2183	831	1190	1967	1968	1968	.....	2248	2250	CH. 199X	.....	.....
464. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Thompson, Newhouse, Eng, King and Berentson) (by State Treasurer request): Creating a local government investment pool trust fund. .	940	940	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
470. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Clemente, Barnes, Ehlers and Heck) (by Superintendent of Public Instruction request): Setting forth the "In-service training act of 1977" for common school personnel training.	988, 2062	992	1242	1913	1913	1913	.....	2153	2153	CH. 189X	.....	.....
472. (ENGROSSED SUBSTITUTE) Committee on Higher Education (originally sponsored by Representatives Erickson, Moreau, Vrooman, Becker, Hughes, Grier, Pardini, Knowles, McCormick, Deccio, Berentson, Chandler, Bond and May): Designating regional universities. . .	1484, 1966	1485	1517	1865	1865	1866	2063	2064	CH. 169X

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474. Representatives Lux, Charnley and Berentson: Allowing payment in full of retainage in contracts.	1218, 2282	1231	1421	1993	1993	1994	2320	2321	CH. 205
477. Representatives Heck, Zimmerman, Gaines, Clemente, Warnke, Valle, Whiteside and Grimm: Providing for the expunging of pupil learning/language disabilities from school reports.	1218	1231	.....	.....	.....	.....	.....	.....	.....	.....
480. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Clemente, Zimmerman, Eng, Taller, Lux, Boldt and Valle) (by Superintendent of Public Instruction request): Providing program of bilingual instruction in the common schools and state aid therefor.	1484	1486	1537, 2061	.....	.....	.....	.....	.....	.....	.....
484. Representatives Sommers, Flanagan and Sherman: Regulating the retail sale of frozen fish and shellfish.	609, 736	611, 757	667	.....	.....	.....	.....	.....	.....	.....
495. (ENGROSSED) Representative Lux (by Department of Employment Security request): Modifying definitions under unemployment compensation law.	988, 1583	992	1209	1215, 1544	1544	1544	1215	1622	1623	CH. 73X

500. Representatives Sommers and Knedlik (by Department of Revenue request): Making general procedural and housekeeping changes in the excise tax laws.	609, 736	611, 757	.....	.....	.....	.....	.....	.....	.....	.....
502. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representative Sommers) (by Department of Revenue request): Modifying appeals procedures to and from board of tax appeals.	988	992	.....	.....	.....	.....	.....	.....	.....	.....
503. Representatives Sommers and Knedlik (by Department of Revenue request): Providing for the collection of use taxes on aircraft by the department of motor vehicles.	609, 736, 2187	611, 757	667	1775, 2051	1779	1779	2050, 2054, 2187	.....	.....	.....
506. (ENGROSSED) Representative Heck: Permitting certain PUD's to have sewage districts without reference to a water system.	868	868	1021	1511	1511	1511	.....	1522	1522	CH. 31X
508. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives O'Brien, Fischer and Lux): Regulating the sale of hypodermic needles.	1423, 2365	1425	1524	2318	2318	2318	.....	2465	2466	CH. 249X
512. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Kreidler, Keller and Thompson): Permitting counties, cities, and districts to make bank deposits of salaries.	1149	1150	1286	2330	2330	2330	.....	2465	2466	CH. 269X
515. Representatives Hansen, Smith and Patterson: Broadening the definition of negligent driving.	1149	1150	.....	.....	.....	.....	.....	.....	.....	.....
520. (ENGROSSED SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives Shinpoch, Charnley and Sherman): Providing statutory consumer protection in certain areas of automobile insurance.	1079	1079	1524

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522. (ENGROSSED SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Sommers and Erickson): Phasing out tax credits and exemptions for pollution control facilities.	1752	1753
531. (SUBSTITUTE) Committee on Insurance (originally sponsored by Representatives Douthwaite, Grier, Keller, Monohon, Knedlik, Erickson, Sanders, Haley and Taller): Providing for a unified system of risk management.	868	868	1388	2298	2298	2298	.....	2465	2466	CH. 270X
534. (ENGROSSED SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representative Martinis): Allowing the revocation of food fish and shellfish licenses for violations of food fish and shellfish laws.	1485	1486	1524	.....	.....	.....	.....	.....	.....	.....
538. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Hanna, Becker, King, Maxie, Gruger, Douthwaite, Nelson (Gary) and White-side): Regulating social workers.	1104	1105	1525	2189	.....	.....	2195, 2255	.....	.....	.....
541. (ENGROSSED) Representatives King, Lux, Paris and Pearsall: Adjusting workmen's compensation for permanent partial disabilities....	800	801	1525	.....	.....	.....	2994	.....	.....	.....

543. (ENGROSSED) Representatives May, Becker and Charnley: Funding public transportation systems.	1126	1127	1242	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
546. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Douthwaite, Conner, Lysen, Lux, Eng, Becker, Nelson (Dick), Enbody, Grier, Charnley, Struthers, Clayton, Nelson (Gary), Dunlap, Sherman, Bender, Maxie, Tilly, Heck, Clemente, Kreidler, Patterson, Berentson, Chandler and Craswell): Facilitating the use of mopeds.	1126	1127	1888	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
550. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Salatino, Valle, Nelson (Dick), Smith and Gaines): Regulating automotive repair. ...	1484	1486	1525	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
553. (ENGROSSED) Representatives May, Thompson, Knowles, Lux, Kilbury, Grier, Clemente and Fischer: Exempting certain theatre employees from the law establishing a minimum overtime wage.	1139, 1594	1140	1383	1568	1568	1568	.....	1623	1623	CH. 74X	.....	.....	.....
559. (ENGROSSED) Representatives Ehlers, Berentson, Taller, Whiteside, Grimm and Gaines: Adding a retired person to the state employees' insurance board.	838, 2062	889	955	1913, 1923	1916, 1924	1916, 1924	.....	1923	2153	2153	CH. 190X, PV	.....	.....
563. (ENGROSSED SUBSTITUTE) Committee on Labor (originally sponsored by Representatives King, Charette and Kilbury): Extending the labor dispute disqualification for unemployment benefits.	1351, 1526	1385	1471	1480	1480	1386	1542	1542	CH. 83X

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564. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Ehlers, King, Dunlap, Nelson (Gary), Bauer, Heck, Burns, Walk, Sommers, Whiteside, Taller, Paris, Enbody, Smith, Erickson, Greengo, Grier, Gaines, Salatino, Sanders and Barr): Abolishing certain state agencies.	2523	2523	2524	2525	2525	2523	2665	2665	CH. 289X
572. (SUBSTITUTE) Committee on Insurance (originally sponsored by Representative Douthwaite): Permitting variable interest loans on life insurance.	816	831	1537	2299	2299	2299	.....	2465	2466	CH. 250X
573. Representatives Charette and Shinpoch: Appropriating funds for session law publication...	609, 736	611, 757	682	1279	1279	1279	.....	1848	1848	CH. 23X
574. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Bauer, Heck, Zimmerman, Thompson, Paris and Erickson): Providing for the erection of a statute in statuary hall in the national capitol.	868	868	.....	.....	.....	.....	.....	.....	.....	.....
580. Representatives Knowles, Knedlik, Vrooman, Hughes and Smith: Making the possession of a device to evade telephone toll charges a felony.	965	965	1189	1545, 1546	1545, 1546	1546	.....	1583	1584	CH. 42X

581. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Becker, Hanna, Whiteside, Adams, Shinpoch, May, Pardini, Deccio, Charette, Warnke, Grimm, Thompson, Charnley, Hurley (Margaret), Pearsall, Bender, Eng, Hawkins, Chandler and Ehlers): Providing for the substitution of prescription drugs...	868, 2664	868	1537	2499	2500	2500	.....	2725	2730	CH. 852X
582. Representatives Whiteside, Deccio, Newhouse, Clayton, Hansen and Flanagan: Creating the Yakima river conservation area.	1149, 1595	1150	1501	1566	1568	1568	.....	1622	1623	CH. 75X
583. Representatives Whiteside, Deccio, Fortson and Wilson: Permitting school districts to waive or reduce fees for low income senior citizens.	988	992	1242	1990	1990	1990	.....	2063	2064	CH. 170X
584. (REENGROSSED) Representatives Thompson, Grimm and Charnley: Permitting college and university professors to request trustee or regent approval to continue teaching beyond age seventy.	1079, 2389, 2464	1079	1317	2299, 2313	2313	2313, 2390	2300, 2389	2523	2525	CH. 276X
585. Representatives Erickson, Burns and Chandler: Providing that each state college board of trustees have a treasurer who shall be bonded.	585	537	624	643	643	643	.....	682	684	CH. 52
588. (ENGROSSED) Representative Hawkins: Modifying the filling of United States Senate vacancies.	1012	1012	1350	.....	.....	.....	.....	.....	.....	.....
593. (ENGROSSED SUBSTITUTE) Committee on Elections and Governmental Ethics (originally sponsored by Representatives Sommers, Pardini, Hawkins, Patterson, Fortson, Gruger, Heck, Nelson (Dick), Erickson, Gaines, Lux, Charnley, Berentson and Polk): Establishing a redistricting commission.	1218	1231	1350

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595. (ENGROSSED) Representatives Ehlers, Nelson (Gary) and Sommers: Changing the number of members and means of appointment, respectively, of the nursing home council and the emergency medical and ambulance review committee.	865	865	876
601. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Hanna, Warnke, Hawkins, Adams, Salatino, Grier, Hansen, Heck, Gallagher, McCormick and Gaines): Revising gambling laws on card games.	925, 1608	926	.....	1533, 1548, 1549	1534, 1549	1536, 1549	1541- 1542, 1548	1622	1623	CH. 76X
604. (ENGROSSED SUBSTITUTE) Committee on Labor (originally sponsored by Representatives Lux, Pearsall, Fischer and Pruitt) (by Department of Labor and Industries request): Revising the state industrial insurance laws.	1484, 2992	1486	.....	2188- 2189, 2840	2849	2849	.....	3088	3088	CH. 323X
612. Representatives Hurley (Margaret), McCormick and Gilleland (by Department of Highways request): Repealing certain laws on the environmental impact of highways.	1104	1105	.....	1149	.....	.....	.....	.....	.....	.....
613. Representatives Sommers and Nelson (Gary) (by Department of Revenue request): Repealing property tax revaluation ratio procedures.	609, 736	611, 757	.....	697	1510	1510	1510	1522	1522	CH. 29X

614. (ENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Hanna, Knowles, Smith, Deccio, Tilly, Fischer, Knedlik, Whiteside, Becker, Struthers, Greengo, Salatino and Grimm): Providing for determinate sentencing for felony offenses. . . .	1890	1890	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
615. (ENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Enbody, Knowles and McKibbin): Enacting the "Comprehensive Sentencing Act of 1977".	1390, 2282	1391	1517	1983, 1996	1999, 2200	2200, 2204	1990, 1999, 2200, 2203, 2217	2321	2321	CH.	206X	
617. (ENGROSSED) Representatives Fischer and Eng: Allowing some mutual savings banks to pay higher expenses for management and operation.	965	965	1001	1990	1990	1991	.....	2063	2064	CH.	171X	
618. (ENGROSSED) Representatives Fischer and Eng: Revising laws regulating sale of securities.	965	965	1888	1992	1992	1993	.....	2063	2064	CH.	172X	
619. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Sommers, Ehlers and Shinpoch) (by State Treasurer request): Modifying investment authority of the state finance committee.	1104, 2320	1105	1259	2150, 2195	2198	2198	2150	2364	2386	CH.	251X	
620. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Sommers, Shinpoch and Ehlers (by State Treasurer request): Clarifying investment authority of the state finance committee.	1104	1105	1260	.....	.....	.....	.....	.....	.....	.....	.....
622. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Blair, Erickson and McKibbin): Establishing a calculation base for supplemental payments under TIAA/CREFF.	988	992	.....	.....	.....	.....	.....	.....	.....	.....	.....

642. Representatives Winsley, Monohon, Kreidler and Keller: Requiring that applications for abatement of taxes on destroyed property be filed in the year of destruction or within seventy-five days of destruction.	988	992	1517	2086	2086	2086	.....	2248	2250	CH. 200X
643. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Deccio, Knowles, Whiteside and Chandler): Granting grandparent visitation rights.	925, 2432	926	1243	2317	2317	2318	.....	2465	2467	CH. 271X
646. Representatives King, Fischer and Lux: Including law enforcement officers of all cities, counties and certain port districts within the definition of "uniformed personnel" of the public employees collective bargaining act. ...	1002	1002	.....	.....	.....	.....	.....	.....	.....	.....
649. Representatives McCormick, Warnke, Whiteside, Pearsall, Hughes, Tilly, Knowles, Adams, Erickson and Gaines: Implementing law relating to cosmetology.	1218, 2246, 2529, 2662		1421, 2464, 2529	1994	1995	1995, 2529	2246, 2464, 2529	2715	2716	CH. 310X
653. Representatives Warnke, Greengo and Charnley (by Department of Motor Vehicles request): Safeguarding the purchaser's contribution of money toward construction, completion, or maintenance of improvements to a land development.	1218	1231	1422	2324	2324	2324	.....	2465	2466	CH. 252X
656. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives O'Brien, King, Maxie, Newhouse, Lysen, Clemente, Berentson, Knowles, Hurley (Margaret), Pardini, Bauer, Becker, Kilbury, Adams, Flanagan, Gallagher, McCormick, Fischer, Conner, Gaines, Erickson, May, Grier, Hughes, Greengo and Toller): Mandating certain public agencies to make surplus books, equipment, etc. available at depreciated cost to private schools.	1104, 2246, 2468, 2522		1248, 2363, 2472	1926	1926	1926, 2472	2246, 2363, 2472	2665	2666	CH. 308X

670. Representatives Pardini, Eng, Knowles, Fuller, Lee and Paris: Restricting use of residential reserve accounts.	988	992	1817	.....	.....	.....	.....	.....	.....	.....
671. (ENGROSSED) Representatives Smith, Fortson, Chandler, Charnley, Monohon, Conner, Knedlik and Douthwaite: Listing readiness requirements for ships before pilotage.	1352	1353	.....	.....	.....	.....	.....	.....	.....	.....
672. Representatives Smith, Fortson, Chandler, Charnley, Monohon, Conner, Wilson, Salatino, Knedlik and Douthwaite: Limiting the size of ships that newly-licensed pilots may pilot.	988	992	.....	.....	.....	.....	.....	.....	.....	.....
673. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Smith, Fortson, Chandler, Charnley, Monohon, Berentson, Wilson and Salatino): Specifying rest time for ships' pilots.	1351	1353	1517	.....	.....	.....	.....	.....	.....	.....
674. (ENGROSSED SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Kilbury and Clayton): Revising laws relating to the sale or transfer of agricultural products.	1484, 2522	1486	1537	2445	2446	2446	.....	2665	2666	CH. 804X
675. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Fischer, Adams, Sherman, Erickson, North, Clemente, Hughes, Salatino, Nelson (Dick), Vrooman, Burns, Keller, Pearsall, Grier, Owen, Hanna, Gruger, Gallagher, Bauer, Bender, Charnley, Knowles, Williams, Gaines, McCormick, Maxie, Grimm, Hurley (George), Douthwaite, Lux, Martinis, Sommers and Walk): Abolishing pay toilets and requiring certain places of public accommodation to have free public toilet facilities.	1139	1140	1350	1739	1739	1740	.....	1774	1775	CH. 97X

691. (ENGROSSED) Representatives Fischer, Pardini and Kreidler (by State Treasurer and Chairman Public Deposit Protection Commission request): Revising the liability of a public depository.	1061, 1753	1061	1889	1601	1602	1602	.....	1774	1775	CH. 95X
694. Representatives Boldt and Kilbury: Authorizing the state patrol to dispose of certain real property.	1149	1151	1883	1927	1928	1928	.....	2158	2159	CH. 191X
697. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Dunlap, Clemente, Fortson, Whiteside, Bauer, Barnes, Greengo, Paris and Taller): Mandating learning objectives for grades K-12 for statutorily required courses.	1484, 2053, 2248, 2652	1486	1588, 2519	1749, 1847	1656, 1847	1656, 2519	1650, 1749, 2054,	2655	2666	CH. 305X
703. Representatives Conner, Gallagher and Berentson (by Department of Motor Vehicles request): Revising the laws regulating motor vehicle wreckers.	1218	1231	1286	2300	2300	2300	.....	2465	2466	CH. 258X
704. Representatives Warnke, Owen, Taller, Haley, Erickson, King and Adams: Allowing optometrists, physicians, and psychologists to form one professional service corporation.	1218	1231	.....	.....	.....	.....	.....	.....	.....	.....
707. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Warnke, McCormick, Salatino, Gaines and Fischer): Revising laws relating to licensing, regulation, and inspection of massage parlors.	925	926	1209	952	.....	.....	.....	.....	.....	.....
708. (ENGROSSED) Representatives Charnley, Hansen, Gilleland, Chandler, Burns, Douthwaite, Conner, Paris, Pruitt, Nelson (Dick) and Lux: Authorizing the traffic safety commission to engage in programs relating to bicycle use and safety.	1424	1425	1598	.....	.....	.....	.....	.....	.....	.....

726. (SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Fischer, Knowles, Pardini, Polk and Eng): Changing the law on savings and loan associations.	1149	1151	1482	.....	.....	.....	.....	.....	.....	.....	.....	.....
727. (ENGROSSED) Representatives Conner, Gallagher, Gilleland and Vrooman: Changing laws on reporting of vehicle accidents.	940, 2992	941	1182	2011, 2256, 2976	2976	2976	2016, 2259	2999	3001	CH. 369X	.....	.....
728. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Winsley, Erickson, Conner and Craswell): Modifying laws relating to collection of property taxes and the sale of property acquired for nonpayment of taxes.	1189	1140	1880	.....	.....	.....	.....	.....	.....	.....	.....	.....
732. (SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representatives Fischer and Pardini): Modifying dates for filing of financial statements by industrial loan companies.	1218	1232	1422	.....	.....	.....	.....	.....	.....	.....	.....	.....
733. Representatives Conner, Gallagher and Gilleland (by Department of Motor Vehicles request): Prescribing penalties for misuse of transporter plates.	1218	1232	1286	2316	2316	2316	.....	2466	2466	CH. 254X	.....	.....
735. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Newhouse, Berentson, Leckenby, Gilleland and Clayton): Modifying procedures in industrial insurance appeals.	1194	1195	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
737. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Bauer, Whiteside and Warnke): Allowing school districts to pay for insurance for students in interdistrict activities.	1218	1232	1538	2301	2301	2301	2465	2466	CH. 255X

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
741. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives O'Brien, Berentson, Hurley (Margaret), Lysen, Moreau and King): Modifying property tax exemption laws pertaining to recapture penalties, reapplication procedures, and notification change of use.	1319, 2282	1821	1548	2044	2045	2045	.....	2321	2321	CH. 209X
743. (ENGROSSED SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representatives Smith, Zimmerman, Thompson, Lee, Shipoch, Haley, McKibbin, Charnley, Becker, Hanna, Taller, Clemente, Chandler, Sherman, North, Charette, Hurley (Margaret), Blair, Douthwaite, Lux, Salatino, Burns, Sommers, Nelson (Dick), Hurley (George), Bauer and Knedlik): Limiting marine bulk petroleum shipment transfer facilities.	2146, 2468	2146	2336	2395	2400	2400	2386- 2337, 2404	2665	2876	VETOED
746. (ENGROSSED) Representative Thompson: Modifying terms of office of members of county legislative authorities.	1319	1321	1525	2086, 2259	.....	.....	2086, 2260	.....	.....	.....
753. (ENGROSSED) Representative Knowles: Authorizing sewer district removal of pollutants from nearby waters.	1218	1282	1286	1865	1865	1865	.....	1967	1999	CH. 146X

755. Representatives Conner, McCormick, Berentson, Enbody and Gilleland: Providing for tamperproof licenses and identicards.	965	966	1022	1521	1521	1521	.....	1542	1542	CH. 27X
758. Representatives Conner, McCormick and Gilleland: Revising the law requiring vehicles to stop for school buses.	1194	1195	1286	.....	.....	.....	.....	.....	.....	.....
766. (ENGROSSED SECOND SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Becker, Kilbury, Thompson, Sommers, Berentson, Amen, Erickson, Sherman and Charnley): Providing relief from certain benefit assessments on farm land.	1351	1353	.....	.....	.....	.....	.....	.....	.....	.....
768. Representatives Moreau and Erickson: Implementing the law relating to granting of degrees at certain state colleges including financial impact review.	1390, 2182	1391	1518	2016	2016	2016	.....	2243	2250	CH. 201X
773. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Fuller, Ehlers, Paris, Berentson, Zimmerman and Thompson): Modifying the forest excise tax laws.	1423	1425	1591	.....	.....	.....	.....	.....	.....	.....
777. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives O'Brien, Warnke, Berentson, Chandler, Gaines, Valle, Charnley, Thompson, Conner, McCormick, Burns, Bender, Maxie and Adams): Authorizing the construction of a cultural arts center in Federal Way.	1219	1232	3001	3093	3098	3098	1232, 3001	.....	.....	.....
778. (ENGROSSED) Representatives Conner, McCormick and Warnke: Authorizing voluntary deductions for group insurance premiums from state patrol retirement allowances.	1608	1609	1842	2301	2301	2301	2465	2466	CH. 256X

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
779. Representatives Vrooman, Knowles, Lux, Keller, Martins, Burns, Wilson, Taller and Berenson: Authorizing group filing for certain labor liens.	965	966	1983	1983	1983	1991	1846, 1983	2063	2064	CH. 176X
787. (ENGROSSED) Representatives Hawkins, Lee, Thompson, Pardini and Charette: Authorizing counties to establish personnel systems.	1352	1353	1501							
793. (REENGROSSED) Representatives King and Lux: Authorizing the department of labor and industries to insure employers against liability for compensation and benefits for injuries and death under the federal longshoremen's and harbor workers' compensation act.	865	865	1512							
797. Representatives Charette, Vrooman, Knowles, Smith and Enbody: Giving jurisdiction to the court of the county wherein an habitual traffic offender is arrested for subsequently driving without a license.	868	868	1191	1781	1781	1781	.....	1910	1911	CH. 188X
798. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representative O'Brien): Expanding the right to be free from discrimination.	1351, 2062	1354	1538	1848, 1880, 1924, 1931	1932	1982	1864, 1881, 1925	2153	2153	CH. 192X

800. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Gruger, Kreidler, Whiteside, Adams, Fortson, May, Pearsall and Lux): Allowing an earned income exemption for recipients of developmental disability services.	1484	1486	.....	.....	.....	.....	.....	.....	.....	.....
812. (ENGROSSED) Representatives Adams, Pearsall, Pruitt, Lux, Fortson, Schmitt, Gruger and Salatino: Extending the law against discrimination as it relates to handicapped persons.	1319	1321	1501	.....	.....	.....	.....	.....	.....	.....
816. (ENGROSSED) Representatives Maxie, O'Brien, Lux, Burns, Blair and Douthwaite: Giving tenants a priority for purchasing highway lands.	884	885	964	1589	1539	1540	.....	1561	1561	CH. 37X
819. Representatives Adams, Kreidler, Gruger, May, Pearsall and Lux: Extending child welfare services.	988	992	1501	.....	.....	.....	.....	.....	.....	.....
820. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Adams, Kreidler, Fortson, Gruger, May and Whiteside): Enacting the victims of sexual assault act.	1484	1486	1571	.....	.....	.....	.....	.....	.....	.....
821. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Fortson, Adams, Pearsall, Pruitt, Lux, Thompson, Kreidler, Burns, Gruger and Salatino): Requiring crosswalk curb ramps for handicapped persons.	1484	1486	1502	1782	1782	1783	.....	1910	1911	CH. 137X, PV
825. Representatives Hansen and Conner: Revising county road administration procedures relating to certificates of good practice.	1218	1232	1347	2319	2319	2319	2466	2466	CH. 257X

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
828. Representatives King, Enbody, Berentson and Polk: Authorizing civil penalties against collection agencies.	1189	1140	1847	1928	1928	1928	.....	2158	2158	CH. 194X
837. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives North, Knedlik, Chandler, Sherman and Fortson): Providing for preservation of the Mount Si and Little Si area.	1424, 2651	1425	1525	2444	2444	2444	.....	2665	2666	CH. 306X
838. (ENGROSSED) Representatives Blair and Warnke: Excluding baby sitting referral services from the definition of employment agencies.	1218	1282	1847	.....	.....	.....	.....	.....	.....	.....
839. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Sommers, Taller, Becker, Berentson, Kilbury, Wilson, Craswell, Douthwaite, Grimm and Hurley (Margaret): Making the leasehold excise tax inapplicable to certain property within certain historical sites.	965	966	1189	1563	1563	1563	.....	1688	1684	CH. 85X
842. Representatives Thompson and Whiteside (by Secretary of State request): Removing county auditor filing requirements for business corporations.	1194	1195	1286	1928	1928	1929	.....	2153	2153	CH. 198X

848. (ENGROSSED) Representatives Hanna, Adams, Deccio and Haley: Modifying the financial responsibility provisions for residents of state residential schools.	1390	1391	1502	.....	.....	.....	.....	.....	.....	.....
852. Representatives Boldt, Berentson, Lysen, Schmitt and Kilbury: Permitting certain amendments to contracts for nuclear generating projects.	865	866	956	1470	1470	1470	.....	1522	1522	CH. 28X
854. (SUBSTITUTE) Committee on Institutions (originally sponsored by Representatives Hanna, Adams, Kreidler, Deccio and Haley): Modifying the law on residential school placement review.	1424	1425	.....	.....	.....	.....	.....	.....	.....	.....
857. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Keller, Hanna, Knowles, Pardini, Tilly, Deccio, Monohon, Kreidler and Clayton) (by Board of Prison Terms and Paroles request): Requiring statements on convicted persons for the board of prison terms and paroles.	1484	1487	.....	.....	.....	.....	.....	.....	.....	.....
861. (ENGROSSED SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Nelson (Dick), Williams, Hurley (George) and Valle): Requiring the department of revenue and county assessors to publicize the retired person's property tax exemption and deferral laws.	1608	1609	.....	.....	.....	.....	.....	.....	.....	.....
865. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Sommers, Blair, Shinpoch, Wilson, Patterson, Hansen, Gilleland and Charnley): Establishing a revised public employees' retirement system...	1194, 2247, 2796, 2806	1195	1648, 2771	2157	2178	2180, 2796	2178, 2247, 2781, 2796	2817	2818	CH. 295X

878. (ENGROSSED) Representatives Schmitt, Heck, Boldt, Kilbury and Tilly: Establishing and defining five commissioner PUD's and three commissioner PUD's.	1319	1321	1389	1562	1562	1562	.....	1588	1584	CH. 86X
879. Representatives Conner, Gallagher and Bender (by Department of Highways request): Allowing driving on certain highway shoulders to allow other vehicles to pass.	884	885	964	1570	1570	1570	.....	1588	1584	CH. 89X
880. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Bauer, Heck, Whiteside, Fortson and Clemente): Implementing law relating to school principals and their powers and duties and allowing school district management teams.	1079, 2432	1080	1286	2330	2330	2331	.....	2464	2467	CH. 272X
890. (ENGROSSED SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Boldt, Monohon, Fancher, Shinoda and Vrooman): Regulating nondairy products.	1218	1233	1502	.....	.....	.....	.....	.....	.....	.....
908. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representative Warnke): Establishing a select joint committee to investigate business inspections.	1218	1233	1347	.....	.....	.....	.....	.....	.....	.....
912. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Lee, North, Whiteside and Paris): Establishing disposition procedures for unclaimed personal property.	1319, 2863	1321	1389	2852	2852	2852	.....	2876	2876	VETOED
917. (ENGROSSED) Representatives Lee, Hurley (Margaret), Craswell and Paris: Authorizing the interagency committee on outdoor recreation to produce a state recreation guide.	1194	1195	1518	.....	.....	.....	.....	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
921. Representatives Schmitt, Clayton, Fancher, Conner, Whiteside, Oliver, Struthers, Tilly and Hansen: Providing that fork lifts shall be exceptions to certain requirements for motor vehicles.	1079	1080	1260	1866	1866	1866	.....	1967	1999	CH. 148X
922. (ENGROSSED) Representatives Hansen, Burns and Sherman: Eliminating the requirement for cities and counties to prepare long range arterial construction plans.	1194	1195	.....	.....	.....	.....	.....	.....	.....	.....
927. Representatives Flanagan, Hansen and Oliver: Exempting community college district employees working outside states' boundaries from higher education personnel law.	1104	1106	1317	1740	1740	1741	.....	1774	1775	CH. 94X
928. (SUBSTITUTE) Committee on Energy and Utilities (originally sponsored by Representatives Lysen, Sherman, King, Kilbury, O'Brien, Charnley, Gruger, Pruitt, Gallagher, Boldt, McCormick, Hawkins, Nelson (Dick), Bauer, Gaines, Clemente and Leckenby) (by Executive request of Governor Ray): Revising energy emergency powers and procedures.	916, 1243, 2544, 2662	1126, 2352, 916	2515, 2544	1155, 1196	1197	1197, 2544	1165, 1243, 2354, 2517, 2544	2725	2730	CH. 328X, PV
933. (ENGROSSED) Representatives Charnley and Conner: Permitting roadside area information panels.	1079	1080	1502	2331	2331	2331	.....	2466	2466	CH. 258X

936. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Owen and Patterson): Authorizing cities and towns of less than eight thousand five hundred population to become a part of a rural county library district or intercounty rural library district.	1351	1854	1502	2655	2656	2656	.....	2725	2730	CH. 353X
952. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Conner, Gilleland and Gallagher): Bringing state motor vehicle equipment standards into conformity with federal standards.	1351, 2651	1854	1482	2302, 2331, 2473	2474	2475	2304, 2310, 2333	2733	2733	CH. 355X
960. (ENGROSSED SUBSTITUTE) Committee on Education (originally sponsored by Representative Clemente): Enacting the education act of 1977.	1078, 1662, 2895, 2911	1080	1135, 2878, 2896	1167	1187	1187, 2897	1186, 1662, 2890, 2896	2913	2913	CH. 359X
980. (ENGROSSED SUBSTITUTE) Committee on Transportation (originally sponsored by Representative Conner): Relating to marine transportation.	2876, 2912	2876	.....	2876, 2890	2890	2891	.....	2912	2913	CH. 360X
1009. (SUBSTITUTE) Committee on Revenue (originally sponsored by Representative Sommers): Pertaining to revenue and taxation—B&O tax.	1591, 2991	1591	2977	2978	2979	2979	2992	2999	3001	CH. 324X
1021. (SUBSTITUTE) Committee on State Government (originally sponsored by Representative Ehlers): Allowing the personnel board 120 days to decide on appeals from disciplinary cases... ..	1218	1233	1317	.....	.....	.....	.....	.....	.....	.....
1033. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Shinpoch): Providing funds for sundry claims and election costs.	988	998	.....	.....	.....	.....	.....	.....	.....	.....
1086. (ENGROSSED) Representative Thompson: Relating to revenue and taxation, school levy limitations.	2870	2870	2871	2873	2874	2871, 2874	2876	2876	CH. 325X

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1120. (ENGROSSED SUBSTITUTE) Committee on Ecology (originally sponsored by Representative Valle): Enacting an alternative to Initiative 59.	1104, 2657, 2728, 2741	1106	1502, 2667, 2728	2520	2521	2522, 2728	2657, 2667, 2728	2816	2816	CH. 357X
1131. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Clayton, Amen, Barr, Hansen, Oliver, Newhouse, Kilbury, Boldt and Flanagan): Clarifying the law on the storage of agricultural commodities.	1219	1233	.....	.....	.....	.....	.....	.....	.....	.....
1132. (SUBSTITUTE) Committee on Insurance (originally sponsored by Representative Conner): Designating the commercial driving record of a person separately for commercial insurance purposes.	1194, 2725	1195	1539	2637	2641	2641	2684	2747	2748	CH. 356X
1133. (ENGROSSED) Representatives Conner, Kilbury, Gallagher, Knowles, McCormick, Hanna, Grier, Struthers, Fuller and Gaines: Authorizing certain golfing sweepstakes under gambling act.	1424, 2079, 2243, 2469, 2761	1425	1503, 2406, 2470	1884, 1903	1903, 1930	1903, 1930, 2470, 2738	2079, 2424, 2470, 2471, 2479, 2737	2832	2832	CH. 326X
1142. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Knowles and Smith): Requiring felony judgments to contain fingerprints of the person convicted....	1424, 2432	1425	1518	2304	2305	2305	.....	2465	2467	CH. 259X

1145. (SUBSTITUTE) Committee on Judiciary (originally sponsored by Representatives Becker, Charette, Blair, Tilly and Knedlik): Enacting the uniform child custody jurisdiction act.	1194	1195	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1146. (SUBSTITUTE) Committee on Transportation (originally sponsored by Representatives Conner and Gaines): Revising regulation of the trucking industry.	988	993	1539, 1591	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1147. (ENGROSSED SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Hughes, Lee, Hurley (Margaret), Fischer, Blair, Bauer, Fortson, Erickson, Walk, McCormick, Knowles, O'Brien, Gallagher, May, Salatino, Knedlik, Sherman, Valle, Grier, Taller and Vrooman): Providing for a remedial reading program in the common schools.	1484	1487	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1153. (ENGROSSED) Representatives Adams, Pruitt, Lux, Kreidler, Barr and Haley: Creating handicapped persons priority in the services of the employment security department.	1219, 2432	1233	1503	2305	2305	2306	.....	2465	2467	CH. 273X	.....	.....	.....	.....	.....	.....	.....	.....	.....
1164. (ENGROSSED) Representative Smith: Modifying the laws regulating driving while under the influence of intoxicating liquor.	1424	1425	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1169. (ENGROSSED) Representatives Adams, Kreidler, Hanna and Haley: Modifying restrictions on marriage.	1218	1233	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1176. (ENGROSSED SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives Sommers and Erickson): Phasing out tax credits and exemptions for pollution control facilities.	1752	1753

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1184. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Martinis, Moreau, Kilbury, Smith, Boldt, Owen, Vrooman, Grier, Adams, Burns, Schmitten, Taller, Wilson, Zimmerman, Haley, Greengo, Lux, Fortson, Walk, Knedlik, Becker, Berentson, Chandler, and Grimm) (by request of Governor Ray): Authorizing salmon enhancement facilities bonds.	1218, 2651	1238	1649	2377	2378	2378	2665	2666	CH. 308X
1188. (THIRD SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representatives Martinis, Moreau, Kilbury, Greengo, Smith, Wilson, Schmitten, Taller, Chandler, Boldt, Owen, Burns, Becker, Berentson and Chandler (by Governor Ray request): Allowing department of fisheries to deposit revenues into funds other than the general fund when so provided by law.	2715	2715	.....	2715, 2794	2795	.....	2715	2832	2832	CH. 327X
1189. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Fortson, Shinpoch, Haley, Newhouse, Adams, Hanna, Whiteside and Lux): Requiring independent audits for nursing homes.	1424, 2432	1426	1525	2326	2328	2328, 2795	.....	2465	2467	CH. 260X

1190. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Thompson, Valle, Sherman and Burns): Modifying the law on the boundary review board...	1319	1321	1503	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1191. (ENGRROSSED) Representatives Charnley, Haley, Chandler, Hawkins, Blair, Boldt, Valle, Ehlers, Hanna and Zimmerman: Providing for the creation and management of a scenic river system.	1526	1527	1560	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1194. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Adams, Lux, Pruitt, Whiteside, Barr and Haley): Assessing a penalty fee for late renewal of licenses for vendors of prophylactics.	1319	1321	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1203. (SUBSTITUTE) Committee on Education (originally sponsored by Representative McKibbin): Authorizing expenditures to implement programs of proper educational practices.	1484	1487	2001	2456, 2977	2457, 2977, 2982	2460, 2984	2461, 2479, 2977	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1210. Representatives Whiteside: Permitting certain teachers to pick up prior service in the teachers' retirement system under certain conditions.	1752	1753	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1213. (SUBSTITUTE) Committee on Local Government (originally sponsored by Representative Bender): Authorizing housing authorities to purchase mortgage loans.	1319, 2365	1321	1526	2149, 2260	2260	2260	2149	2466	2466	CH. 274X	.....	.....	.....	.....	.....	.....	.....	.....	.....
1221. Representative Warnke: Adding time as cadets in the patrol training program to the state patrol retirement system.	1608	1609	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1227. Representatives Charette, Shinpoch, Williams and Taller: Permitting vendors one hundred twenty days to file for reimbursement from the department of social and health services.	1319	1321	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

1260. (ENGROSSED) Representatives Douthwaite, Maxie, Grier and Haley (by Insurance Commissioner request): Modifying the bond, licensing, and fees provisions of the insurance laws.	1484	1487	1518	2042	2042	2042	.....	2133	2133	CH. 182X
1262. (ENGROSSED) Representatives Douthwaite, Maxie, Grier and Haley (by Insurance Commissioner request): Modifying assessments of insurance guaranty association members.	1352	1354	1519	2043	2043	2043	.....	2133	2133	CH. 183X
1263. (ENGROSSED) Representatives Lysen, Thompson and Dunlap: Deleting references in the law to the state power commission.	1218	1232	1482	2016	2017	2017	.....	2133	2133	CH. 184X
1264. Representative Shinpoch: Making changes in the laws relating to the refunding of bonds. ..	1194	1196	1772	2378	2378	2379	.....	2523	2525	CH. 262X
1265. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representative Shinpoch): Refunding certain limited obligation revenue bonds of the various institutions of higher education with state general obligation bonds.	1608, 2664	1609	1772	2379	2384	2384	.....	2725	2730	CH. 354X
1266. (SUBSTITUTE) Committee on Financial Institutions (originally sponsored by Representative Eng): Authorizing the director of general administration to deputize an assistant as supervisor of division of savings and loan associations to perform the supervisor's functions in his absence.	1218	1233	1389	2017	2017	2017	.....	2133	2133	CH. 185X
1267. Representatives Eng and Pardini: Authorizing the investment of bank and trust company reserve funds.	1218	1233	.....	.....	.....	.....	.....	.....	.....	.....
1269. Representative Knowles: Providing for extensions of judgments in justice courts.	1351	1354	.....	.....	.....	.....	.....	.....	.....	.....

1293. Representative Hawkins: Clarifying which public officials must disclose their finances. ...	1424	1426	1508	.....	.....	.....	.....	.....	.....	.....	.....	.....
1306. (SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives King, Sommers, Haley, Charnley, Blair, Clemente, Warnke, Shinpoch and Thompson): Establishing a schedule of salary increases for legislators.	2062, 2656, 2715	2063	2461	2463	2463	2463	2463	2657	2732	2733	CH. 318X	
1310. (SUBSTITUTE) Committee on Ecology (originally sponsored by Representative Valle): Defining "date of filing" with regard to a permit for a variance or a conditional use under the shoreline management act.	1484, 2659, 2726, 2741		1519, 2666, 2727	2324, 2663	2324	2324, 2727	2659, 2666, 2727	2816	2816	2816	CH. 358X	
1321. (SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Ehlers, Sommers, Taller, Smith and Charnley): Establishing a schedule of salary increases for the executive branch officers. ...	2063	2063	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1322. (SECOND SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives Ehlers, Sommers, Taller, Erickson and Smith): Establishing a schedule of salary increases for the judicial branch.	2063	2064	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1323. (SUBSTITUTE) Committee on Appropriations (originally sponsored by Representatives McKibbin, Bauer, Wilson, Sommers, Clemente, Nelson (Gary), Shinpoch, Blair, Hawkins, Whiteside, Schmitt, Pardini, Ehlers, Boldt, Bender, King, Sherman, Erickson, Enbody, Dunlap, Warnke, Salatino, Hughes, Haley, Heck, Gaines and Taller): Requiring the legislative budget committee to compile and publish a report of personal service contracts.	1319	1322

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1343. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives North, Erickson, Nelson (Gary), Ehlers, Fortson and Blair): Adding two lay members to the state veterinary board of governors.	1218	1234	1350							
1348. (SUBSTITUTE) Committee on Insurance (originally sponsored by Representative Knedlik): Providing for increased coverage for uninsured motorists at the purchaser's option.	1424, 2392, 2800, 2815	1426	1539, 2636, 2748, 2801	2017	2018	2018, 2802	2392, 2637, 2748, 2801	2857	2857	VETOED

TITLE AND HISTORY OF HOUSE JOINT MEMORIALS IN THE SENATE

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate
1. (ENGROSSED) Representatives Warnke, Paris, Greengo and Gaines: Requesting the federal government to give the state more administrative freedom under the federal insecticide, fungicide, and rodenticide act.	183, 668	186	424	639	639	639	.....	688	684
12. Representative Lysen: Memorializing the President and Congress to terminate airline mutual aid pacts.	1484	1487	1519	.....	.....	.....	.....	.....	.....
15. (ENGROSSED) Representatives Bond, Lysen, Dunlap, McCormick, Oliver, Struthers, Sanders, Chandler, Hansen, Walk, Clayton and Polk: Memorializing the President of the United States and several sister states to meet in conference on rising British Columbia gas prices.	1218	1234	1518	.....	.....	.....	.....	.....	.....

TITLE AND HISTORY OF HOUSE JOINT RESOLUTIONS IN THE SENATE

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate
6. Representatives King, Fortson, Burns, Charnley, Grier, Knowles, Lux, Maxie, McCormick, Douthwaite, Eng, Gaines, Gruger, Hawkins, Lysen, Nelson (Dick), North, Pruitt and Whiteside: Placing a proposition for a constitutional convention before the voters.	609, 736	611, 758							
7. Representatives King, Fortson, Charnley, Grier, Hughes, Knowles, Lee, Lux and McCormick: Permitting constitutional amendments to contain several sections on one subject.	517, 736, 2452, 2651	518, 758	649	2069	2069	2069	2452, 2488, 2500		
21. Representatives Fortson, Patterson and Sommers (by State Auditor request): Amending the Constitution to allow audits of the judicial branch.	451, 737	489, 758	815, 896						
27. (SECOND SUBSTITUTE) Committee on State Constitution (originally sponsored by Representatives Sommers, Conner and Haley) (by Governor Ray request): Amending the Constitution to authorize the governor to organize and reorganize the executive branch of state government.	1139	1140							
30. (ENGROSSED SUBSTITUTE) Committee on Revenue (originally sponsored by Representatives O'Brien, Lux, Eng, Thompson, Douthwaite, Burns, Taller, Zimmerman, Sommers, Maxie, Berentson and Charnley): Amending the Constitution to permit the property taxes from increased property values attributable to development or redevelopment projects to be used to support such projects.	1351	1354							

32. (SUBSTITUTE) Committee on Elections and Governmental Ethics (originally sponsored by Representatives Sommers, Pardini, Hawkins, Fortson, Gruger, Lysen, Heck, Nelson (Dick), Erickson, Lux and Charnley: Amending the Constitution to provide for a redistricting commission.	1219	1234	1351	.....	.....	.....	.....	.....	.....
36. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Warnke, O'Brien and Smith) (by Governor Ray request): Amending the Constitution to allow the state, its political subdivisions, and municipal corporations to lend their credit to the extent of certain special revenues.	1526	1528	1560	.....	.....	.....	.....	.....	.....
42. (SUBSTITUTE) Committee on Constitution (originally sponsored by Representatives Thompson and Kilbury): Amending the Constitution to authorize approval of special levies by majority vote and permitting a single election in each twelve month period.	2882	.....	.....	.....	.....	.....	.....	.....	.....
54. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Vrooman, Burns, Knedlik, Salatino, Pruitt, Nelson (Dick), Hughes, Enbody, Monohon, Grier, Pearsall, Walk, Grimm, Heck, Kreidler and Schmitten): Carrying over bills between sessions of the same legislature.	1484	1487	1560	.....	.....	.....	.....	.....	.....
55. Representatives Conner and Gaines: Permitting the legislature to establish reasonable rates, whether maximum or minimum for transportation.	1194	1196	1383	2037	2037	2087	.....	2133	2133
56. Representatives Conner and Gaines: Removing the constitutional requirement prohibiting short-haul differential.	1194	1196	1383	2037	2037	2088	.....	2133	2133
57. Representatives Conner and Gaines: Removing the constitutional prohibition against combination by carriers.	1194	1196	1383	2038	2038	2088	.....	2133	2133

TITLE AND HISTORY OF HOUSE CONCURRENT RESOLUTIONS IN THE SENATE

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate
2. Representatives Martinis, Moreau, Greengo, Gaines and Smith: Petitioning for the formation of a tri-state legislative fisheries committee for Idaho, Oregon and Washington.	235	238	308	357	358	358	.....	375	392
3. Representatives King and Berentson: Notifying the governor that the legislature is organized.	12	12	.....	12	12	12	12, 13	35	35
4. Representatives Sherman and North: Directing the next state ferry be named the "Issaquah".	334, 737	337, 758	638	2306	2306	2306	.....	2466	2466
5. Representatives King and Berentson: Calling Joint Session to canvass the vote of elective state officers, receive the state of the state message from Governor Evans, and to inaugurate Governor-elect Dixy Lee Ray.	12	12	.....	12	12	12	.....	35	35
17. Representative King: Calling three joint sessions of the legislature.	362	367	.....	367	367	367	.....	391	392
18. (ENGROSSED) Representative Flanagan and Hansen: Requesting that the next state ferry be named "Kittitas". ...	1194	1196	1482	2307	2307	2308	.....	2466	2466
23. Representative King: Rescheduling memorial services for deceased legislators.	492	493	.....	494	494	494	.....	517	517
25. Representatives Lysen and Pardini: Extending the consideration date for emergency energy measures.	561	.....	.....	.....	.....	.....	.....	561	.....

26. Representative King: Returning all bills to their house of origin upon adjournment SINE DIE.	709	709	.....	709	710	710	.....	718	720
27. Representatives King and Berentson: Appointing a committee to notify the governor that the legislature is ready to adjourn SINE DIE.	718	718	.....	718	718	718	718, 720	720	720
28. Representatives King and Berentson: Notifying the governor that the legislature is organized.	724	724	.....	724	724	724	724, 725	736	751
30. Representatives Shinoda, Owen, Oliver, Enbody, Struthers, Nelson (Dick), Schmitt, Pruitt, Craswell, Hughes, Taller, Salatino, Walk, Grimm, Fuller, Burns, Winsley, Keller, Heck, Fancher, Pearsall, Barr, Clayton, Sanders, Grier, Knedlik, Kreidler, Vrooman, Erak and Gruger: Proposing start of electoral and fiscal biennia in alternate years. ...	1319	1322	1519	.....	.....	.....	.....	.....	.....
31. Representative King: Calling a joint session of the legislature for the purpose of receiving the Governor of Alaska.	1146	1146	.....	1146	1146	1146	.....	1191	1191
32. Representatives King and Berentson: Adopting joint rules for the forty-fifth legislature.	1261, 2248, 3090, 3096			1658, 1745, 1766, 1882	1884	1884	1748, 1768, 2248, 2855, 3090	3099	3103
33. Representatives King and Berentson: Creating the Joint Committee on Intergovernmental Relations.	3092, 3099	.....	.....	3093	3093	3093	.....	3100	3103
35. Representatives King and Berentson: Returning all bills to house of origin.	3092	3092	.....	3092	3092	3092	.....	3099	3103
36. Representatives King and Berentson: Appointing a committee to notify the governor the legislature is ready to adjourn SINE DIE.	3105	3105	3107	3105	3106	3106	3106	3106	3106

AARDAL, RAY

Highway commission, member, GA 45, confirmed pp. 235, 309, 358-359

ABANDONED VEHICLES

Disposers, registration, bonds, regulations, SB 2914, Sub SB 2914

Removal, state patrol, law enforcement officers, authority, *Sub HB 228, CH. 167X

ABSENTEE BALLOTS

Certain, received 8:00 p.m. election day, required, SB 2461

ABSTRACTS

Insurance, accidents, driving record, employment, individual, separate, underwriting consideration, SB 2732, *Sub HB 1132, CH. 356X

Insurance, accidents, line of duty, driving record, police officers, fire fighters, excluded, *Sub SB 3098, CH. 140X

ACCIDENTS

Industrial appeals hearings, modification procedures, SB 2517

Insurance, abstracts, driving record, employment, individual, separate, underwriting consideration, SB 2732, *Sub HB 1132, CH. 356X

Insurance, abstracts, driving record, line of duty, police officers, fire fighters, excluded, *Sub SB 3098, CH. 140X

Insurance, uninsured, underinsured motorist coverage, issuance, limits of insured motor vehicle, purchaser's option, permitted, *Sub HB 1348, VETOED

Motor vehicle operators, liability insurance, financial responsibility deposit, requirements increased, Sub SB 2306

Motor vehicles, legally standing, reports required, *SB 2864, CH. 68X

Motor vehicles, written reports, damage amount increased, financial responsibility requirements revised, *HB 727, CH. 369X

Traffic offenses, certain, decriminalizing provisions, SB 2293

ACCOUNTANTS AND ACCOUNTING

Cemetery, prearrangement trust fund report requirements, *Sub HB 68, CH. 351X

Nursing homes, cost report audits, payment rates, *Sub HB 1189, CH. 260X

Nursing homes, reports, unreasonable rates, costs, refund provisions, SB 2742

Permit renewals, continuing education, day basis reduced, SB 2844

Public, licenses, examination, fees, requirements, SB 3049

ACTS

Automobile repair responsibility, SB 2252

Basic education, *Sub HB 960(a), CH. 359X

Basic education financing, SB 2492

Basic juvenile court, *3rd Sub HB 371(a), CH. 291X

Basic program of educational financial equalization, SB 2428

Beverage container control, SB 2259

Bilingual instruction, Sub HB 480, SB 2837

Citizens for fair school funding basic program of education, SB 2424

Citizens for fair school funding educational accountability, SB 2423

Criminal records privacy, SB 2608, *Sub SB 2608, CH. 314X

Dental disciplinary board, *Sub HB 23, CH. 5X

Discriminatory boycotts, SB 2905

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ACTS—cont.

- Education, *Sub HB 960, CH. 359X
- Fair campaign practices, SB 2513, Sub SB 2513
- Fairness in lending, SB 2469, *Sub HB 323, CH. 301X
- Family farm water, Senate Initiative 59
- Family farm water, alternative to Initiative 59, *Sub HB 1120, CH. 357X
- Financial institutions disclosure, SB 2469, *Sub HB 323, CH. 301X
- Gasoline marketing divorcement, SB 2313
- Heating, ventilation, and air conditioning, SB 2564, Sub SB 2564
- In-service training, SB 2832, *Sub HB 470, CH. 189X
- Juvenile court act in cases relating to dependency of a child and the termination of a parent and child relationship, *3rd Sub HB 371(a), CH. 291X
- Juvenile justice, *3rd Sub HB 371, CH. 291X
- Labor-management relations, SB 2920
- Marihuana education and control, Sub HB 257, SB 2330
- Mobile home landlord-tenant, *SB 2668, CH. 279X
- Motor vehicle repair responsibility, SB 2281
- Natural death, 2nd Sub HB 252, SB 2477, Sub SB 2477
- Proven educational practices (PEP), Sub HB 1203
- Public trust, SB 2749
- Public water system coordination, *Sub HB 165, CH. 142X
- Regulatory reform, SB 2043, *Sub SB 2082, VETOED
- Runaway youth, *3rd Sub HB 371(a), CH. 291X
- Sentencing reform, SB 3078
- Sunset, *Sub HB 564, CH. 289X
- Uniform child custody jurisdiction, Sub HB 1145
- Uniform probate code, SB 2163
- Victims of drunken drivers compensation, SB 2456
- Victims of sexual assault, Sub HB 820

ACTUARIES

- State, legislative processing, executive request advice, procedures, *SCR 105

ACUPUNCTURE

- Practice, physicians, osteopaths assistants, licensing regulations, *SB 2172, CH. 233X

ADJUTANT GENERAL

- Appointment, qualifications expanded, SB 2857

ADMINISTRATIVE LAW

- Banks, trust companies, unsound conditions, officers, directors, removal procedures, injunctive relief, SB 2265, *HB 338, CH. 178X
- Real estate salesman, brokers, cease and desist orders, issuance authorized, violation, grounds, license suspension, revocation, *HB 448, CH. 261X
- Register, created, agency rules, statute law committee publication, appropriation, SB 3067, Sub SB 3067, *2nd Sub SB 3067, CH. 240X
- WAC rules, amendments, bill drafting style, language alternatives required, *Sub SB 2130, CH. 19

ADMINISTRATIVE PROCEDURE ACT

- Judicial review, additional parties, joint filing requirement, *SB 2295, CH. 52X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ADMINISTRATIVE PROCEDURE ACT—cont.

- License suspension, summary, limitation provisions, SB 2750
- Register, created, agency rules, statute law committee publication, appropriation, SB 3067, Sub SB 3067, *2nd Sub SB 3067, CH. 240X
- Statement of purpose, rules adoption, SB 2129, *Sub SB 2129, CH. 84X
- WAC rules, amendments, bill drafting style, language alternatives required, *Sub SB 2130, CH. 19

ADOPTIONS

- Parental consent, procedures, notice, father, child born out of wedlock, provisions, SB 2434
- Parental rights, voluntary termination petition, terms defined, procedures, appeals, provisions, SB 2433

ADVERTISING

- County roads, construction, improvement, standards, hearings, public notice, regulations, Sub HB 1258
- Highway project bids, call, one week postponement, permitted, *SB 2124, CH. 65
- Liquor manufacturers, entertainment, supply advertising materials to licensees, allowed, SB 2862
- Newspapers, legal publications, advertising, bids, ordinances, summaries permitted, full text availability, requirement, *Sub SB 2019, CH. 34
- Newspapers, legal publications, regular print size required, ordinances, summaries permitted, full text availability, provisions, SB 2019
- Opticians, rates advertisement, penalties deleted, SB 2354
- Outdoor, signs, commercial, industrial areas, visible from interstate, primary, scenic system, not having advertising value to motorists, permitted, *Sub SB 2956, CH. 141X, P.V.
- Outdoor, title only, SB 2956
- Political, false information, dissemination unlawful, SB 2746
- Public works contracts, counties, bid invitations, additional newspapers, *HB 301, CH. 267X
- Signs, devices, displays, real property, taking, scenic vistas act, compensation, *Sub SB 2956, CH. 141X, P.V.

AERONAUTICS COMMISSION

- Pilots, private passenger transportation, surety bonds, liability insurance required, SB 2828
- Transportation department, created, certain agencies abolished, powers, duties transferred, Sub HB 718, SB 2924, *Sub SB 2924, CH. 151X, P.V.

AGED PERSONS

- Care, alternative services, revisions, SB 2401
- Care, alternative services, revisions, appropriation, *2nd Sub HB 251, CH. 321X
- Fees, schools, cultural, social, recreational, athletic events, low income persons, age 65 or older, reduced, waived, *HB 583, CH. 170X
- Foster grandparent, senior companion, RSVP programs, expansion provisions, *2nd Sub HB 251, CH. 321X
- Programs, senior citizen, other, counties, cities, public corporations, state, local funds, use authorized, Sub HB 1278
- State parks, passes, authorized, SB 2382, *Sub SB 2382, CH. 330X
- Supplemental security income, state supplemental amounts increased, SB 2501

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

AGED PERSONS—cont.

- Taxes, real property, residences, exemption, age, income, value basis, revisions, SB 2009
- Taxes, real property, residences, income limit exemption increased, SB 2840, *HB 355, CH. 268X
- Taxes, real property, residences, income limits, exemption, consumer price index, adjustment provision, SB 2930
- Taxes, real property residences, mobile homes, income limit exemption, increased, Sub SB 2840
- Taxes, real property, residences, veteran's disability compensation, income exclusion, exemption, SB 2004
- Title only, SB 2780
- Utility rates, local government, establishment provisions, SB 2487

AGENCIES

- Abolishment procedures established, *Sub SB 2082, VETOED
- Abolishment procedures established, certain abolished, SB 2082, *Sub HB 564, CH. 289X
- Administrative decisions, judicial review, additional parties, joint filing requirement, *SB 2295, CH. 52X
- Administrative rules review, appropriate legislative committee, procedures, established, SB 2119
- Attorney general, biennial budget request, all assistants, attorneys, employees, inclusion, Sub SB 2499
- Attorney general, powers redefined, departments, boards, commissions, attorneys, employment, authorized, SB 2213
- Baby sitting referral services, employment agency definition, exclusion, HB 838
- Books, equipment, surplus, private school availability provisions, SB 2372
- Books, equipment, surplus, private school availability, written notice, Sub SB 2372, *Sub HB 656, CH. 303X
- Budgets, expenditures based on anticipated revenues, format requirements, *Sub HB 402, CH. 247X
- Business inspections, select joint committee, legislation development, elimination, consolidation, modification, unnecessary, duplication, established, Sub HB 908
- Certain, abolished, HB 64
- Certain, terminated, SB 2082
- Collection, license suspensions, civil, monetary penalties authorized, *HB 828, CH. 194X
- Columbia river gorge, environmental protection, permits, variances, issuance, *Sub SB 2634, CH. 132X
- Contracts, construction management, first class charter cities, public works projects, certain, authorized, Sub SB 2885
- County property, leased to public agency, term not to exceed fifty years, SB 3079
- Decisions, contested, appeals court review provisions, SB 2299
- Employment, defined, contracts, bonds, license qualifications, fees, complaints, legal status, *SB 2263, CH. 51X
- Employment security, records, access, disclosure, confidentiality regulations, *SB 2426, CH. 153X
- Environmental policy act, applicability restricted, SB 2473

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

AGENCIES—cont.

- Environmental policy act, council abolished, rules pertaining to integration, policies, procedures, state agencies, local governments, repealed, SB 2953
- Environmental policy act, governmental denials, grounds, policy requirements, appeal, *Sub SB 2654, CH. 278X
- Environmental policy act, public notice, judicial review provisions, modified, *Sub SB 2654, CH. 278X
- Ethics, legislative, "agency" defined, *Sub SB 2873, CH. 218X
- Ethics, legislative, "agency" redefined, SB 2873
- Executive branch, reorganization, provisions, SB 2913
- Fiscal notes, proposed legislation, required, HB 129, SB 2063, *Sub SB 2063, CH. 25X
- Forest fires, patrol assessments, litigation, natural resources department, court costs, attorney's fees, *HB 298, CH. 102X
- Historic structures, housing, consideration, use, parks, recreation commission, identification, general administration department, preference, provisions, *SB 2512, VETOED
- Historic structures, housing, consideration, use, state conservator, identification, general administration department, preference, provisions, HB 73
- Legislative, administrative rules review joint committee, proposed, rules, procedures, provisions, SB 2568
- Life-cycle cost analysis, proposed actions, required, HB 365
- Lobbying activities, certain, permitted, SB 2870, Sub SB 2870
- Lobbying activities, reporting requirements, *SB 2282(a), CH. 313X
- Personal information, collected, misuse, prohibited, penalty, certain disclosure, permitted, SB 2140, Sub SB 2140
- Personal information systems, individual's rights, provisions, SB 2035, Sub SB 2035
- Personal service contracts, legislative budget committee, reports, provisions, Sub HB 1323
- Petty cash account, maximum amount, special needs base, provisions, *Sub HB 200, CH. 40
- Professional services consultants, state, local, needed, announcement publication, required, contracts, nondiscrimination clause, SB 3062
- Prosecution coordination office, powers, duties, established, SB 3066, Sub SB 3066
- Public disclosure, "agency", term redefined, *SB 2282(a), CH. 313X
- Public health, funds, legislative allocation, SB 2615, Sub SB 2615
- Purchases, certain, agencies without appeals board, disputes, supply management advisory board acting as appeals board, required, SB 2141
- Register, created, rules, statute law committee, publication, appropriation, SB 3067, Sub SB 3067, *2nd Sub SB 3067, CH. 240X
- Regulatory, businesses, activities, regulation, judicial procedures required, SB 2610
- Regulatory reform act, enacted, *Sub SB 2082, VETOED
- Regulatory, state, termination, continuation, reestablishment provisions, SB 2043
- Reports, publications, printing, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X
- Reports, requirements, general revisions, *SB 2133, CH. 75, P.V.

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

AGENCIES—cont.

Review procedures, provisions, SB 2082

Rule-making, specific reference to appropriate section of revised code of Washington, required, SB 2131

Rules, promulgated, statement of purpose, implementation, provisions, SB 2129, *Sub SB 2129, CH. 84X

Rules, proposed, economic impact, public notice, required, SB 2046

Sheltered workshops, fair market price, products, cost factors consideration, *SB 2338, CH. 10X

Sunset act, enacted, *Sub HB 564, CH. 289X

Surplus property, federal, purchase procedures, *SB 2747, CH. 135X

Tort claims revolving fund, reimbursement, appropriation, SB 3010, *Sub SB 3010, CH. 228X

WAC rules, amendments, bill drafting style, language alternatives required, *Sub SB 2130, CH. 19

WAC rules, amendments, bill drafting style, required, SB 2130

AGREEMENTS

Fisheries, abstention until Indian fishing rights litigation settled, directed, SCR 115

Franchises, service station dealers, termination provisions, SB 2312

Health care, insurance commissioner, rules, regulations, SB 2475, Sub SB 2475

AGRICULTURE AND LIVESTOCK

Agricultural conservation plans, repealed, SB 2059, *HB 136, CH. 30

Animals, killed or injured by dogs, damage payment, county dog license tax fund, amount per animal specified, SB 2073, SB 3037

Animals, killed or injured by dogs, damage payment, county dog license tax fund, market value limitation, HB 390

Bees, American foul brood disease, inspection, control, *SB 2516, CH. 362X

Bees, inspection, registration, fees, requirements, *SB 2516, CH. 362X

Commodities, "historical depositor", "put through", defined, Sub HB 1131

Commodities, storage, subterminal warehousing, defined, license fees, regulation, Sub HB 1131

Crops, share, public lands, certain, disposition, *SB 2164, CH. 20

Cruelty to livestock, animals, title only, SB 2729

Drought relief, water projects, federal cost-sharing grants, retroactive applications, petitioned, *SJM 110

Family farm water act, permits, alternative to initiative 59, referendum provision, *Sub HB 1120, CH. 357X

Family farm water act, permits, provisions, Senate Initiative 59

Farmland, open space classification, benefits assessments, payment, delay owner's request, allowed, 2nd Sub HB 766

Grain inspection program, federal supervision, reduction, efficient operation purposes, petitioned, SJM 108

Land development purposes, title only, SB 3096

Liens, commercial fertilizer, pesticide, application, claim filing time extended, SB 2333

Liens, crops, filing, time period, specified, *HB 45, CH. 21

Livestock, theft, injury, destruction, civil action, treble damages, attorney's fees, *Sub HB 678, CH. 174X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

AGRICULTURE AND LIVESTOCK—cont.

- Miscellaneous laws, weeds, seeds, inspection standards, fees, marketing agreements, horticultural districts, weights and measures, amended, *SB 2208, CH. 26X
- Nondairy products, food service establishments, regulations, violations, penalties, Sub HB 890
- Products, definition broadened, commission merchants, regulations revised, *Sub HB 674, CH. 304X
- Pulltop cans, sale prohibited, penalty, notification, wholesalers, distributors, retailers, required, Sub SB 2006
- Soybeans, B&O tax, manufacturers, imposed, SB 2554(a)
- Stream patrolmen, services, counties, application, payment, assessment, reimbursement provisions, revised, *HB 55, CH. 22
- Title only, SB 2578, SB 2581, SB 3099
- Trees, soft fruit, certain, assessments increased, SB 2449
- Trespass, livestock, public lands, repealed, *SB 2164, CH. 20
- Triticale manufacturers, B&O tax imposed, SB 2554
- Water resource allocation citizens' advisory committee, appointment, alternative to initiative 59, referendum provision, SB 2947
- Water resource allocation committee, created, established, emergency powers, alternative to initiative 59, referendum provision, SB 2947
- Water resource allocation emergency committee, created, powers, provisions, SB 3007
- Water rights, policies, procedures, established, alternative to initiative 59, SB 2854
- Water rights, summons return time period, service, *Sub HB 1120(a), CH. 357X
- Water rights, title only, SB 2580
- Water withdrawal, permits, regional distribution, alternative to initiative 59, referendum provision, *Sub HB 1120(a), CH. 357X

AIR

- Railroad cabooses, air release whistle, required, SB 2335

AIR CONDITIONING

- Energy alternative source conversion devices, sales, use taxes, exemption, Sub SB 2186
- Heating, ventilation, air conditioning act, enacted, SB 2564, Sub SB 2564
- Solar equipment, property tax exemption, *2nd Sub HB 388, CH. 364X
- Solar heating equipment, used in new construction, energy savings improvements, sales, use tax exempt, SB 2186
- Warm air heating, ventilation, air conditioning board, created, SB 2564, Sub SB 2564

AIRCRAFT

- Fuel, excise tax, increased, SB 2671
- Pilots, private passenger transportation, surety bonds, liability insurance required, SB 2828
- Use tax, collection provision, HB 503

AIRLINES

- Mutual aid agreement, termination petitioned, HJM 12

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ALASKA

Governor Jay Hammond, message, joint session, legislature, *HCR 31

ALCOHOL AND ALCOHOLISM (See also Liquor and Liquor Control Board)

Alcoholics, involuntary commitment, venue, *SB 2444, CH. 129X

Alcoholics, repeaters, involuntary commitment, sustained treatment program, authorized, *SB 2444, CH. 129X

Alcoholism, title only, SB 2904

Beer, wine, served in containers other than glasses, bottles, allowed, *SB 2175, CH. 9X

Beer, wine, wholesale distributors, franchises regulations, SB 2495

Blood samples, traffic fatalities, state reports required, use as evidence permitted, *SB 2254, CH. 50X

Drinking, dining establishments, drinking area classification, state building code, SB 2107, *Sub SB 2107, VETOED

Incapacitated persons, restraint, treatment facilities, medical personnel, limited liability, *SB 2452, CH. 62X

Intoxicated persons, protective custody, reasonable force permitted, *SB 2452, CH. 62X

Liquor licenses, applicants, requirement revisions, SB 2407

Liquor licenses, class H, authority revision, SB 2377

Liquor licenses, class H, certain theaters, tavern, other facilities, live music, performances, offered, issuance permitted, provisions, SB 2134

Liquor licenses, class H, privately owned centers with facilities for sports, entertainment, convention, issuance permitted, SB 2136

Liquor licenses, master, persons owning more than one adjacent dining area, provisions, *Sub SB 3036, CH. 219X, P.V.

Liquor manufacturers, entertainment, supply advertising materials to licensees, allowed, SB 2862

Liquor revolving fund, university of Washington, disbursement; research purposes, provisions, SB 2506, Sub SB 2506

Liquor revolving fund, Washington state university, disbursement, research, purposes, provisions, SB 2506, Sub SB 2506

Minors, licensed premises, after hours, permitted, *Sub SB 3036, CH. 219X, P.V.

Motor vehicle operators, DWI, controlled substances, penalties increased, SB 2417

Motor vehicle operators, DWI, tests, refusal to take, evidence, used against him, unless pleads guilty, HB 1164

Motor vehicle operators, DWI, treatment programs, penalty schedules, Sub HB 249

Motor vehicle operators, license issuance, degree of alcoholism redefined, *SB 2199(a), CH. 162X

Motor vehicle operators, license issuance, degree of alcoholism redefined, narcotic drugs, drugs provision deleted, *SB 2199, CH. 162X

Motor vehicle operators, occupational license, implied consent revocation, suspension cases, issuance provisions, SB 3073

Nonprofit organizations, treatment services, B&O tax, exempt, HB 1176

Pamphlets, liquor control board, regulations, publication, distribution, *SB 2408, CH. 115X

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

**ALCOHOL AND ALCOHOLISM (See also Liquor and Liquor Control Board)——
cont.**

- Proof of age, identification, no reasonable doubt, licensee, not subject to any civil, criminal liability, penalty, SB 2932
- Public place, definition, licensed brewers, domestic wineries, adjacent areas, same ownership, exclusion provisions, SB 3041
- Public place, definition, licensed brewers, domestic wineries, parks, picnic areas, same ownership, exclusion provision, Sub SB 3041
- Race tracks, sports arenas, spectator seating area, hawking prohibited, SB 2741
- Sports arenas, race tracks, spectator seating area, hawking prohibited, SB 2741
- Treatment facilities, health insurance benefits, payment provisions, SB 2553, Sub SB 2553
- Victims, drunken drivers compensation act, enacted, spirits, users fee levied, alcohol users revolving fund, created, provisions, SB 2456
- Wine, beer, served in containers other than glasses, bottles, allowed, *SB 2175, CH. 9X
- Wineries, domestic, adjacent facilities, class H liquor license, authorized, SB 3036
- Wineries, domestic, restaurants, class H liquor license, authorized, *Sub SB 3036, CH. 291X, P.V.
- Wineries, wine wholesaling, permitted, SB 3013

ALIENS

- Employment, illegal aliens, prohibited, SB 2571
- Employment, statutes, obsolete restrictions repealed, HB 143, *SB 2097, CH. 16X
- Non-immigrant families, certain, college, university tuition, fees, resident rates authorized, SB 2113, *Sub SB 2113, CH. 155X, P.V.
- Teachers, certification permitted, *SB 2185(a), CH. 340X
- Teachers, certification restriction removed, *SB 2185, CH. 340X
- Teachers, exchange, temporary permits, *SB 2185(a), CH. 340X

ALL-TERRAIN VEHICLES (See also Off-Road Vehicles; also Motor Vehicles)

- Moped operators, licensing, regulation, provisions, Sub HB 546
- Nonhighway vehicles, regulations, permits, revisions, SB 2411

ALVAREZ, ELOISE

- Big Bend community college trustee board, member, GA 28, confirmed, pp. 139, 245, 300

AMBROSE, TOMMY W.

- Postsecondary education council, member, GA 111, confirmed, pp. 1012, 1318, 1504

AMBULANCES

- Emergency medical, ambulance review committee, membership appointment provision, HB 595
- Emergency technicians, physician trained, intravenous therapy, airway management, certification, qualifications, provisions, SB 2178, *Sub HB 181, CH. 55
- Emergency vehicles, catalytic converters, removal permitted, *HB 1232, CH. 264X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

AMTRAK

- Market analysis, planning and community affairs agency, operating deficit, service, Seattle-Vancouver, B.C., directed, Sub HB 149
- Transit service, Olympia to East Olympia train depot, appropriation, Sub HB 149

AMUSEMENTS

- Games, local taxes, reduced, *HB 417, CH. 198X
- Games, nonprofit organization, certain local taxes, exemption, *HB 417, CH. 198X

ANIMALS

- Abandoned, removal time, decreased, *SB 2927, CH. 67X
- Bears, cougars, hunting, trapping, closed season, prohibited, SB 2345, *Sub HB 277, CH. 44
- Damage payment, killed or injured by dogs, county dog license tax fund, amount per animal specified, SB 2073, SB 3037
- Damage payment, killed or injured by dogs, county dog license tax fund, market value limitation, HB 390
- Dogs, persons bitten, liability determination, HB 635
- Game birds, fish, taking, to maximize public recreational opportunities, game commission determination, SB 2343, *HB 262, CH. 74
- Livestock, theft, injury, liability, treble damages, attorney's fees, *Sub HB 678, CH. 174X
- Sodium pentobarbital, animal control agencies, humane societies, purchase, possession, administration, euthanasia purposes, authorized, *HB 286, CH. 197X
- Trapping license granting, instructional course prerequisite, SB 2340, *HB 274, CH. 43

ANNEXATION

- Library districts, cities, towns, 8,500 or less population, procedure, tax levy, *Sub HB 936, CH. 353X
- Municipal, modified, SB 3034
- Proposed, small areas, subject to boundary review board action when requested, decisions, finding of facts, requirements, water, sewer district exemption provision, Sub HB 1190

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- Legislature, 120/60 days, special session, 30 days, SJR 124

ANTIBUSE

- Motor vehicle operators, DWI, treatment programs, penalty schedules, Sub HB 249

ANTI-MONOPOLY BOARD

- Abolished, HB 64
- Abolished, duties transferred superior court, *SB 2055, CH. 82X

APARTMENT

- Smoke detectors, residential dwellings, certain, required, HB 357

APIARIES

- American foul brood disease, inspection, control, *SB 2516, CH. 362X
- Apiary board, advisory, created, *SB 2516, CH. 362X
- Inspection, registration, fees, requirements, *SB 2516, CH. 362X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

APPEALS

- Agencies, administrative decisions, judicial review, additional parties, joint filing requirement, *SB 2295, CH. 52X
- Banks, trust companies, unsound conditions, directors, officers, removal, judicial review, SB 2265, *HB 338, CH. 178X
- Environmental policy act, governmental actions, grounds, policy requirement, *Sub SB 2654, CH. 278X
- Felony offenses, sentence within standard range, not appealable, Sub HB 614
- Industrial accidents, appeals, hearings, modification procedures, SB 2517
- Personnel board, disciplinary action, time limitation extended, Sub HB 1021
- Purchases, certain, agencies without appeals board, disputes, supply management advisory board acting as appeals board, required, SB 2141
- Residential schools, placement, hearings, review procedures, revised, Sub HB 854
- Student transfer decisions, procedures, *Sub HB 291, CH. 50
- Tax appeals board, assessment, indicated ratio, revenue department determination, *Sub SB 2502(a), CH. 284X
- Tax appeals board, procedures modified, Sub HB 502
- Taxes, property, county equalization board, additional meetings, requirements, *SB 2451(a), CH. 290X

APPLE BLOSSOM ROYALTY

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APPLICATIONS

- Cigarettes, sales below cost, revenue department applications, required, SB 2931
- Energy facility sites, county zoning ordinances, location agreements, compliance procedures, SB 2555
- Energy facility sites, land use planning, notifications, zoning, revisions, SB 2910
- Energy facility sites, requirements, procedures, fee, environmental counsel appointment, costs, *Sub SB 2910, CH. 371X, P.V.

APPRAISERS AND APPRAISALS

- Property, real, reevaluated, notice requirement, *HB 438, CH. 181X

APPROPRIATIONS

- Asian-American affairs commission, *Sub HB 138, CH. 297X
- Broadcasting commission, public, created, powers, duties, educational television commission abolished, duties transferred, Sub HB 898
- Budget, capital, state, 1977-79 biennium, SB 3110, *Sub SB 3110, CH. 338X, P.V.
- Budget, operations, state government, 1977-79 biennium, SB 3109, *Sub SB 3109, CH. 339X, P.V.
- Budget, supplemental, state government, 1975-77 biennium, *Sub HB 169, CH. 1
- Commerce and economic development department, small business office, *Sub HB 27, CH. 70X
- Commerce and economic development department, tourism promotion, SB 2948
- Commerce and economic development department, Washington innovative service institute, pilot project, established, HB 400
- Ecology department, emergency powers, Columbia river, other public waters, temporary withdrawal, Sub SB 2620, *2nd Sub SB 2620, CH. 1X
- Ecology department, emergency water bond redemption fund, created, Sub SB 2632, 2nd Sub SB 2632

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

APPROPRIATIONS—cont.

- Ecology department, environmental protection revolving, created, SB 2176
- Education board, state, common school construction fund, allocation limitation, *SB 2570, CH. 89X
- Educational structure and management commission, Sub HB 1277
- Election costs, counties, Sub HB 1033
- Fisheries department, charter boats, licenses, moratorium, provisions, SB 2347
- Fisheries department, salmon fishing, commercial, regulated licensing program, SB 2104, Sub SB 2104, *2nd Sub SB 2104, CH. 106X
- Fisheries department, salmon fishing, commercial, regulated licensing program, limited entry board, created, provisions, SB 2103
- Fisheries department, salmon rearing facilities, release-recapture, private ownership, pilot program, authorized, Sub HB 261
- Funds, certain, transfer directed, *Sub SB 2681, CH. 65X
- General administration department, state visitors parking garage, state library parking lot site, HB 716
- General administration department, visitors parking garage, west capitol campus, HB 716(a)
- Governor, executive branch, elected officials, salary increases, 2nd Sub HB 1321, *2nd Sub HB 1306(a), CH. 318X
- Governor judges, justices, legislators, state elected officials, salary increases, 2nd Sub HB 1322, *2nd Sub HB 1306(a), CH. 318X
- Highway commission, Bremerton ferry terminal studies, relocation, construction, SB 3064
- Highway commission, ferry construction, general obligation bonds, appropriation, SB 2375, Sub SB 2375
- Highway commission, operations, capitol improvements, 1977-79 biennium, *Sub SB 2543, CH. 333X
- Highway commission, Puget Island ferry operation, maintenance, 1977-79 biennium, HB 148, SB 2022
- Highway commission, reimburseable expenditures, 1977-79 biennium, *Sub SB 2544, CH. 237X
- Highway commission, state route 503, vicinity Woodland, improvement, SB 2212
- Highway commission, supplemental, 1975-77 biennium, authorized, *SB 2088, CH. 2
- Highway commission, transit service, Olympia to East Olympia train depot, Sub HB 149
- Highway equipment fund, *Sub SB 2544, CH. 237X
- Housing commission, created, powers, duties, SB 2745
- Industrial insurance appeals board, public safety officers' benefits revolving fund, Sub HB 735
- Jail commission, state-wide minimum standards program, SB 2040, *2nd Sub SB 2040, CH. 316X
- Legislature, legislators, salary schedule established, *2nd Sub HB 1306, CH. 318X
- Library, state, book purchases, state aid local libraries, allocation criteria, SB 2266
- Local government investment pool, Sub HB 464
- Lottery, state, established, appropriation, SB 2013

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

APPROPRIATIONS—cont.

- Lower Columbia community college, site acquisitions, certain, authorized, SB 2198
- Motor vehicles department, business registration and licensing center, *Sub HB 120, CH. 319X
- Natural resources department, emergency cloud seeding, water shortages, *SB 2561, CH. 3
- Natural resources department, Mount Si conservation area, created, *Sub HB 837, CH. 306X
- Oceanographic commission, liquified natural gas hazards management study, *SB 3015, CH. 315X, P.V.
- Outdoor recreation interagency commission, performing arts center, Olympia, SB 3001
- Outdoor recreation interagency committee, Mount Si recreation area, created, *Sub HB 837, CH. 306X
- Outdoor recreation interagency committee, off-road vehicle plan, user densities, preferences, *SB 2472, CH. 220X
- Parks and recreation commission, boating safety, SB 3022
- Parks and recreation commission, state parks, campsite reservation system, established, provisions, HB 37
- Parks and recreation commission, state parks, mounted rangers, pilot program established, Lake Chelan, Sammamish, HB 41
- Personnel department, civil service employees, career development program, provisions, 2nd Sub HB 63
- Pilotage commissioners, crude oil tanker pilots, training, authorized, SB 2041
- Salmon fishing, commercial, regulated licensing program, SB 2104, Sub SB 2104
- Senate, energy, water, utilities, interim study, Sub SB 3086
- Senior citizens services act, revisions, 2nd Sub HB 251
- Social and health department, municipal health funding programs, SB 2615, Sub SB 2615
- Social and health services department, criminal justice programs, 2nd Sub HB 307
- Social and health services department, hemophilia victims, medical assistance, services, established, SB 2276
- Social and health services department, juvenile services, *2nd Sub HB 874, CH. 307X
- Social and health services department, victims of sexual assault act, enactment, Sub HB 820
- State government, capital improvements budget, 1977-79 biennium, SB 2054
- State government, omnibus budget, 1977-79 biennium, SB 2053
- State government, sundry claims, Sub HB 1033
- State government, supplemental budget, 1975-77 biennium, SB 2051, *Sub HB 169, CH. 1
- Statute law committee, register created, agency rules, publication, SB 3067, Sub SB 3067, *2nd Sub SB 3067, CH. 240X
- Statute law committee, session laws, publication, *HB 573, CH. 23X
- Superintendent of public instruction, bilingual instruction act, Sub HB 480, SB 2837
- Superintendent of public instruction, career education, SB 2511

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

APPROPRIATIONS—cont.

- Superintendent of public instruction, certain school districts, student transportation programs, *SB 3019, CH. 12X
- Superintendent of public instruction, desegregation, students, personal service contracts, authorized, SB 3065
- Superintendent of public instruction, educational clinics, aid, Sub SB 2232
- Superintendent of public instruction, interstate compact, school bus safety, *SB 2437, CH. 88X
- Superintendent of public instruction, learning objectives, *Sub HB 697, CH. 305X
- Superintendent of public instruction, learning objectives program, Sub SB 2952
- Superintendent of public instruction, proven educational practices (PEP) act, enacted, Sub HB 1203
- Superintendent of public instruction, remedial reading program, 2nd Sub HB 1147
- Superintendent of public instruction, school districts, certain, desegregation program, levy reduction, SB 2115, Sub SB 2115
- Superintendent of public instruction, school districts certain, desegregation program, subject to federal order, SB 2030
- Superior courts, judges, certain counties, number increased, *Sub SB 2143(a), CH. 311X
- Title only, SB 2979
- Toll bridge authority, ferry, terminal construction, improvement, general obligation bonds, issuance authorized, *Sub HB 980, CH. 360X
- Toll bridge authority, high speed passenger only vessels, purchase authorized, *Sub HB 980(a), CH. 360X
- Toll bridge authority, 1977-79 biennium, *Sub SB 2543, CH. 333X
- Tort claims revolving fund, state agency reimbursement, SB 3010, *Sub SB 3010, CH. 228X
- Traffic safety commission, bicycle safety, pilot project, SB 2364
- Traffic safety commission, bicycle use, safety programs, HB 708, SB 2360
- University of Washington, sexually transmitted disease clinic, establishment, appropriation, 2nd Sub HB 334
- Urban arterial board, 1977-79 biennium, *Sub SB 2543, CH. 333X
- Veterans affairs department, Retsil nursing home, additional staff, SB 2316
- Women's commission created, SB 2309, *2nd Sub HB 449, CH. 228X

AQUATIC LANDS

- Management, natural resources department, revisions, SB 2450, Sub SB 2450

ARBITRATION

- Fact finding, arbitration costs, public employees, shared by parties involved, SB 2496
- School employees, impasse mediation, fact finding arbitration procedures, revised, SB 3045
- Supreme court, uniform rules, superior courts, certain causes, adoption required, SB 3061
- Uniformed personnel, impasse mediation, fact finding, arbitration procedures, revised, SB 3042

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ARBOR DAY

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ARCHAEOLOGICAL SITES

Archaeology and historic preservation, division, created, duties transferred from parks and recreation commission, *Sub HB 70, CH. 195X

Archaeology and historic preservation office, created, duties, transferred from parks and recreation commission, *Sub HB 70(a), CH. 195X

Bonds, general obligation, planning, acquisition, construction, remodeling, equipping, improvement, excavation, conservation, restoration, preservation, redevelopment, authorized, SB 2940

Preservation officer, duties, *Sub HB 70(a), CH 195X

ARSON

Arson investigation, state patrol identification section records, fire marshal access, *HB 199, CH. 30X

Criminal code clarification, Sub HB 453

Definition, general revision, SB 2908

ARTIFACTS

Indian, label requirements, prior to sale, provisions, SB 2237

ARTS AND ARTS COMMISSION

International performing festival arts steering committee, created, Sub HB 777

Pacific northwest festival facility, vicinity Federal Way, real estate gift, general obligation bonds, bond anticipation notes, matching grant purposes, issuance authorized, Sub HB 777

Performing arts center, Olympia, appropriation, stimulant federal, local matching funds, SB 3001

Performing center facilities, acquisition, construction, municipal support, SB 3056

Performing, visual arts, facilities, bonds, general obligation, planning, acquisition, construction, remodeling, equipping, improvement, excavation, conservation, restoration, preservation, redevelopment, authorized, SB 2940

ASIAN-AMERICANS AND ASIAN-AMERICAN AFFAIRS COMMISSION

Abolished, duties transferred, minority affairs commission, 2nd Sub SB 2559

Citizens affairs, governor's office, created, membership, duties, recommendations, SB 2559, Sub SB 2559, 2nd Sub SB 2559

Expiration date, appropriation, *Sub HB 138, CH. 297X

Minority affairs commission established, 2nd Sub SB 2559

ASSESSMENTS

Farmland, open space classification, benefits assessments, payment, delay, owner's request, allowed, 2nd Sub HB 766

Forest fires, patrol, litigation, court costs, attorneys' fees, *HB 298, CH. 102X

Forest lands, new owners, approval notices, filing extended, SB 2830

Insurance guaranty association, members, modification, *HB 1262, CH. 183X

Property, real, current use basis, provision, SJR 107

Property, real, indicated ratio, revenue department determination, appeal, *Sub SB 2502(a), CH. 284X

Property, real, value equalization, guideline procedures, established, SB 2502, *Sub SB 2502, CH. 284X

Sewer facilities, unconstructed, assessment charge, credit, *Sub HB 30, CH. 72

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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Trees, soft fruit, certain, increased, *SB 2447, CH. 8X

ASSOCIATIONS

Associated student body program fund, nonassociated student body program fund moneys, held in separate accounts within fund, permitted, *Sub SB 2811, CH. 160X

County officials, counties, merger desired, *SB 2111(a), CH. 221X

County officials, reimbursement increased, *SB 2111, CH. 221X

Insurance guaranty, members, assessment modification, *HB 1262, CH. 183X

ATHLETIC COMMISSION

Code, technical corrections, *HB 176, CH. 9

ATTORNEY GENERAL (See also Gorton, Slade)

Budget, biennial request, all assistants, attorneys, employees, inclusion, Sub SB 2499

Coastal zone management program, amendment, certain, assistant attorney general appointment, civil action purpose, Sub SB 2150

Energy emergency supply alert, duties, *Sub HB 928, CH. 328X, P.V.

Environmental counsel, appointment, energy facility siting applications, costs, *Sub SB 2910, CH. 371X

Legal services revolving fund, abolished, moneys transferred, general fund, SB 2499, Sub SB 2499

Oath of office administered, Slade Gorton, joint session p. 43

Oil transfer facility, construction, at or west of Port Angeles, certification provisions, *Sub HB 743, VETOED

PERS board, membership deleted, *HB 657(a), CH. 34X

Podiatrists, hospital rules, facilities use provisions, inclusion, violation provision, SB 2239

Powers, redefined, departments, board, commissions, attorneys, employment, authorized, SB 2213

Salary increased, appropriation, 2nd Sub HB 1321, *2nd Sub HB 1306(a), CH. 318X

Tort claims, state government, procedural revisions, *Sub HB 395, CH. 144X

ATTORNEYS

Counties, legal services, private counsel, employment authorized, SB 2234

County legal matters, private legal counsel authorized, SB 2612

Fees, contract, lease actions, authorized, *HB 208, CH. 203X

Fees, costs, state actions, time expended basis, authorized, SB 2827

Fees, eminent domain, professional responsibility code established, HB 397, SB 2298

Fees, eminent domain, property damage claims, allowed, SB 2334, *HB 445, CH. 72X

Fees, forest fire litigation, *HB 298, CH. 102X

Fees, judgments, suits against liability insurer, payment provisions, SB 3038

Fees, judgments, suits instituted by state, payment provision, SB 3039

Fees, livestock theft, injury, treble damages, *Sub HB 678, CH. 174X

Fees, school employees, contract status, adverse change, hearings procedures, SB 2245, *Sub SB 2245, CH. 7X

Prosecuting attorneys' coordinating council, established, SB 3066, Sub SB 3066

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ATTORNEYS—cont.

Prosecution coordination office, powers, duties, established, SB 3066, Sub SB 3066

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Victims of sexual assault act, enacted, Sub HB 820

AUDIO EQUIPMENT

Trial proceedings, superior courts, electronic recordings, permitted, specified exceptions, SB 2297

AUDIOLOGISTS

Licensing, fees, regulation, SB 2050, *2nd Sub HB 391, VETOED

Speech pathologists, audiology examiners board, created, membership, terms, duties, SB 2050, *2nd Sub HB 391, VETOED

AUDITOR – STATE (See also State Auditor; also Graham, Robert V. "Bob")

Oath of office administered, Robert V. "Bob" Graham, joint session '4'4'4'4 p. 43

AUDITS AND AUDITORS (See also Accountants and Accounting)

Banking supervisor, general administration department, examination reports, confidentiality requirements, violation, penalty, *Sub HB 384, CH. 245X

Judicial system, requirement, HJR 21, SJR 105

Liens, internal revenue service, county auditor filing fees, increased, prepayment requirement removed, *SB 2106, CH. 62

Nursing homes, cost report audits, payment rates, *Sub HB 1189, CH. 260X

Nursing homes, reports, unreasonable rates, costs, refund provisions, SB 2742

AUTHORITIES

Public housing, mortgage loan purchase, authorized, rehabilitation, rentals, sales, loans, low income persons, bond sales, revisions, *Sub HB 1213, CH. 274X

Public transportation benefit area, organizational conference, boundary resolution adoption, *SB 2108, CH. 44X

AUTOMATED DATA PROCESSING (See also Computers, Data Processing)

LEAP, legislative evaluation, accountability program committee created, powers, duties, SB 2504, *Sub HB 660, CH. 373X

Personal information system, governmental, individual sensitivity rights, regulation, SB 2674

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AUTOMOBILES (See also Motor Vehicles)

Abandoned vehicle disposers, registration, bonds, regulations, SB 2914, Sub SB 2914

Accidents, damage amount increased, written reports, financial responsibility, requirements revised, *HB 727, CH. 369X

Accidents, vehicle legally standing, reports required, *SB 2864, CH. 68X

Automotive repairman, defined, regulations, Sub HB 550, *Sub SB 2445, CH. 280X

Criminal possession, leased, rented, defined, felony provision, *Sub SB 2527, CH. 236X

Dealers, crimes related to auto industry, adjudged guilty, license provisions, SB 2244, *Sub SB 2244, CH. 125X

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

AUTOMOBILES (See also Motor Vehicles)—cont.

- Dealers, furnishers of facilities, services, license requirement, *Sub SB 2244(a), CH. 125X
- Destroyed, irreparably, loss of use costs, recovery provisions, Sub HB 100
- Driving record, insurance abstracts, accidents, employment, individual, separate, underwriting consideration, SB 2732, *Sub HB 1132, CH. 356X
- Driving record, insurance abstracts, line of duty accidents, excluded, *Sub SB 3098, CH. 140X
- Equipment, commission on equipment, closer conformance federal guidelines, standards, noncompliance, misdemeanor, *Sub HB 952, CH. 355X
- Headlamps, international standards, permitted, *SB 3060, CH. 20X
- Insurance, statutory consumer protection, certain areas, nonrenewal, liability coverage, because of secondary losses, prohibited, Sub HB 520
- Insurance, uninsured, underinsured motorist coverage, issuance, limits of insured motor vehicle, purchaser's option, permitted, *Sub HB 1348, VETOED
- International registration plan, adopted, provisions, *SB 2189, CH. 92X
- License plate, one required, second plate to be returned, failure to return, penalty provision, SB 2252
- Operators, driving while under influence, intoxicating liquor, controlled substances, penalties increased, SB 2417
- Operators, license issuance, insurance, surety bond, proof required, SB 2822
- Operators, unlicensed, habitual traffic offenders, court jurisdiction, *HB 797, CH. 138X
- Proportional registration agreement, multistate reciprocity commission, international registration plan, authorized, *SB 2189(a), CH. 92X
- Repair, damaged, insured, shop of own choice, provision, Sub HB 351, SB 2508
- Repair, dealers, invoice records, written estimates, work orders, regulation, SB 2445
- Repair, dealers, licensing, regulation, responsibility act, SB 2252, SB 2281
- Repairman, defined, regulations, Sub HB 550, *Sub SB 2445, CH. 280X
- School directors association, motor vehicles, marked in conformance with law, provision, HB 213
- Slow moving vehicles, driving on improved shoulders, passing purposes, allowed, *HB 879, CH. 39X
- Tires, studded, use outlawed, SB 2909
- Titles, joint tenancy provisions, SB 2498

AUTOPSIES

- Performance, permission, list of individuals authorized to grant findings, discussion with family, authorized, *SB 2083, CH. 79

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- Pilots, private passenger transportation, surety bonds, liability insurance required, SB 2828
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BACHOFNER, CHIEF WILL

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- Retiring, state patrol, introduced newly-appointed Chief Robert Landon p. 1277

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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- Criminal justice training account, created, bail forfeiture assessment, *SB 2418, CH. 212X
- Game law fines, bail forfeitures, distribution, HB 275, *SB 2344, CH. 59X
- Law enforcement personnel, term defined, *SB 2418, CH. 212X

BAILEY, SENATOR ROBERT C.

- Letter of resignation, effective midnight, March 10, 1977 p. 725
- Monohon, Senator Carol, appointed March 14, 1977, fill vacancy created, resignation, Senator Robert C. Bailey pp. 728-732
- Remarks
 - Division of motion not in order, Senator Benitz amendment p. 128
 - Gubernatorial appointments, parks and recreation commission referral pp. 349, 350
 - Gubernatorial appointments withdrawal p. 121
- Resignation, March 10, 1977, midnight, tributes,
 - *SR 1977-12 pp. 712-717
- Utilities and transportation commission, chairman, GA 64, confirmed .. pp. 760-761

BALLOTS AND BALLOTING

- Absentee, certain, received 8:00 p.m., election day, required, SB 2461
- Absentee, failure to file original registration thirty days before election, application provision, issuance permitted, HB 47
- Candidates, primary elections, name rotation, eliminated, SB 2370
- Elections, primary, general, types, contents, paper, card, voting machines, voting devices, tallying, general revisions, SB 2034, *Sub SB 2034, CH. 361X
- Presidential preference primary, established, SB 2278
- Presidential preference primary, provisions, 2nd Sub HB 282
- Propositions, legislative information permitted, SB 2455
- Public utility district commissioners, non-partisan election laws, conformation, *HB 35, CH. 53
- Punch cards, voting, general revisions, Sub HB 204
- School excess levies, language requirement, Sub HB 196, SB 2056, *Sub SB 2056, CH. 4
- Voting, duplicate cards, provisions, SB 2515

BANKS AND BANKING

- Banking supervisor, general administration department, control, acquisition, authority, *Sub HB 393, CH. 246X
- Banking supervisor, general administration department, examination reports, confidentiality requirements, violation, penalty, *Sub HB 384, CH. 245X
- Control, application, other information, filing, prior to acquisition, required, violation, penalty, injunctive relief, SB 2260, *Sub HB 393, CH. 246X
- Credit transactions, marital status consideration prohibited, SB 2469, *Sub HB 323, CH. 246X
- Division supervisors' assistants, appointments, general administration director, authorized, *Sub HB 1266, CH. 185X
- Electronic fund transfer systems, point of sale terminals, commercial merchandise, service establishments, authorized, checking, loan accounts, access, Sub HB 685, SB 2776

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

BANKS AND BANKING—cont.

- Electronic fund transfer systems, point of sale terminals, commercial merchandise, service establishments, authorized, checking, loan, savings accounts, access, Sub HB 685
- Fairness in lending act, enacted, SB 2469, *Sub HB 323, CH. 246X
- Financial institutions disclosure act, enacted, SB 2469, *Sub HB 323, CH. 246X
- Funds, reserve, investments, certain, authorized, HB 1267
- Investments, small business investment companies, allowable percentage, increased, HB 21
- Mortgage reserve accounts, interest payment requirements, SB 2772
- Mutual savings, "funds", definition extended, SB 2255
- Mutual savings, "funds", definition extended, report procedures, penalty provisions, *Sub HB 194, CH. 241X
- Mutual savings, general revisions, interest payment, loan repayment periods, amount limitations, SB 2192, *Sub HB 161, CH. 104X
- Mutual savings, management, operation, higher expenses allowed, SB 2261, *HB 617, CH. 171X
- Public depositories, "maximum liability", revised, *HB 691, CH. 95X
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- Residential dwellings, loan practices, disclosure, geographical discrimination prohibited, SB 2469, *Sub HB 323, CH. 246X
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(a) Amendment to original bill.
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(a) Amendment to original bill.

SR Senate Resolution.

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- (a) Amendment to original bill.
- SR Senate Resolution.
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- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.
- (a) Amendment to original bill.
- SR Senate Resolution.
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(a) Amendment to original bill.

SR Senate Resolution.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Performing arts center facilities, acquisition, construction, municipal bonds, special funds, provisions, SB 3056
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(a) Amendment to original bill.

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- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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(a) Amendment to original bill.

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- Historic structures, certain, wood burning permitted, *Sub HB 294, CH. 38X
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(a) Amendment to original bill.

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- School facilities cost stabilization program established, appropriation allocation limitation, *SB 2570, CH. 89X
- Shoreline management, local government permits, variances, conditional uses, "date of filing" defined, *Sub HB 1310, CH. 358X
- Shoreline management, local government, permits, variances, conditional uses, "date of filing" defined, grandfather clause, *Sub HB 1310(a), CH. 358X
- State, acquisition, construction, remodeling, bond financing, SB 2271
- Thermal design standards, certain residential construction established, *HB 98, CH. 14X
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- Vehicle, term, criminal code clarification, Sub HB 453

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- Roadway, term redefined, public transit vehicle stops permitted, *HB 95, CH. 24
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- School, new, over specified length, three axles required, *Sub SB 2530, CH. 64X
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(a) Amendment to original bill.

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- Corporations, delinquent fee regulations, provisions, SB 2992
- Corporations, filing requirements revised, SB 2993, *HB 842, CH. 193X
- Corporations, professional service, optometrists, physicians, surgeons, allowed, HB 704
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- Liquor licenses, master, persons owning more than one adjacent dining area, *Sub SB 3036, CH. 219X, P.V.
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- Usury law, inapplicable, business, commercial transactions, amount of money involved, decreased, SB 2606
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- Washington innovative service institute, pilot project, commerce and economic development department, established, appropriations, HB 400
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(a) Amendment to original bill.

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- Clark community college, trustees board, member, GA 114, confirmed . pp. 1013, 1135, 1508

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(a) Amendment to original bill.

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- Death penalty procedures, two-tiered, guidance, jury, sentencing proceedings, *Sub HB 615, CH. 206X

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- Capitol committee, state office buildings, other facilities, construction, remodeling, furnishing, approval required, referendum provision, SB 2008
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- Seattle community college, trustees board, member, GA 72, confirmed . . pp. 834, 965, 1042

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(a) Amendment to original bill.

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GA Gubernatorial Appointment.

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(a) Amendment to original bill.

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- Contractors registration certificates, renewal date, *SB 2384, CH. 61X
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- Counties, good practice, road administration board, revocations, transmittal dates, revisions, *HB 825, CH. 257X
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- (a) Amendment to original bill.
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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- Rezoning proposals, hearings, notices, mailing requirement, HB 877
- Salaries, wages, employees, direct bank deposits permitted, *Sub HB 512, CH. 269X
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- Shoreline management, local government permits, variances, conditional uses, "date of filing" defined, grandfather clause, *Sub HB 1310, CH. 358X
- Solid waste, processing agreements, sale, recovered materials, bid requirements, *Sub SB 2858, CH. 164X
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(a) Amendment to original bill.

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- Arbitration, superior court, certain causes, supreme court, uniform rules, adoption required, SB 3061
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- Attorneys' fees, judgments, suits against liability insurer, payment provision, SB 3038
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- Coastal zone management program, amendment, certain, assistant attorney general appointment, legal action purpose, Sub SB 2150
- Collection agencies, license suspensions, monetary, civil penalties authorized, *HB 828, CH. 194X
- Commerce, freedom from discrimination, right expanded, SB 2906, Sub SB 2906, *Sub HB 798, CH. 192X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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- Contracts, public works, false statements bidding prohibitions, penalties, *Sub HB 238, CH. 71X
- Contributory fault, established, SB 2296
- Controlled substances, property seizure, forfeiture procedure, *SB 2416, CH. 77X
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- Custody, children, jurisdiction, uniform act, enacted, Sub HB 1145
- Disability, determination process, provisions, SB 2872, *Sub SB 2872, CH. 80X, P.V.
- District court judges association established, SB 2311
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- District courts, state-wide system, established, SB 2311
- District courts, uniform state-wide system, established, contingent, passage proposed new judicial article, SB 2934
- Eminent domain property damage claims, attorneys, expert witnesses, fees allowed, SB 2334, *HB 445, CH. 72X
- Employment agencies, legal status, *SB 2263, CH. 51X
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- Franchises, service station dealers, termination provisions, SB 2312
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- Guardianship, incompetent, developmentally disabled persons, procedures established, involuntary detention, treatment facilities, requirements, *Sub HB 183, CH. 309X
- Health care practitioners, civil immunity, charging others with incompetency, granted, *SB 2071(a) CH. 68
- Health care providers, licensed, cases, arbitration procedures, SB 2247
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- Injuries, personal committed by minors, parental liability established, *HB 444, CH. 145X
- Insurance companies, unfair practices, dealings with brokers, prohibited, SB 2835
- Judgments, amendments, revisions, revival period increased, SB 2317
- Judgments, extension, twelve years provisions, SB 2317(a), SB 3048
- Judgments, justice courts, extension provision, HB 1269, SB 2322
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(a) Amendment to original bill.

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- Motor vehicles, leased, rented, criminal possession, defined, felony provision, *Sub SB 2527, CH. 236X
- Motor vehicles, public, marking not in accordance to law, public officers, certain, civil penalty, assessment provisions, HB 210
- Nondairy products, food service establishments, agriculture department regulation, violations, penalties, Sub HB 890
- Nursing homes, civil penalty system, social and health services department, regulations, adoption directed, *Sub HB 348, CH. 244X
- Nursing homes, licensing, requirements, revocations, procedures, SB 2617
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- Podiatrists, civil immunity, charging others with incompetency, granted, *SB 2071, CH. 68
- Podiatrists, hospital rules, facilities use provisions, inclusion, violation provision, SB 2239
- Products liability action, defined, provisions, SB 2744, Sub SB 2744
- Products liability, manufacturers, wholesalers, damage recovery, revisions, SB 2918
- Property damage by minors, parental liability increased, *HB 444, CH. 145X
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- Skiers, ski resort operators, responsibility, safety regulations, *Sub SB 2975, CH. 139X
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- Tax returns, disclosure, facts, information, prohibition, certain exceptions, provisions, SB 2994
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- Tortfeasors, contribution, apportionment allowed, SB 2290
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- Uniform child custody jurisdiction act, enacted, Sub HB 1145
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(a) Amendment to original bill.

SR Senate Resolution.

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- Personnel administration, director, governor's representative, advisory council, establishment, membership, authority, SB 2388
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- Sheriff's office, appointment procedures modified, unclassified positions, authorized, provisions, SB 2112, Sub SB 2112
- System, merit principles enumerated, number of applicants, highest qualified, increased, provision, SB 2388
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- Animals, killed or injured by dogs, damage payment, county dog license tax fund, amount per animal specified, SB 2073, SB 3037
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- Eminent domain property damage, attorneys, expert witnesses, fees allowed, SB 2334, *HB 445, CH. 72X
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- Wage trust fund, established, labor and industry department, SB 2875

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- Harvesting, mechanical, hydraulic devices use, moratorium, study, SB 2214
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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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- British Columbia residents, tuition, fees, resident status, *Sub HB 312, CH. 322X
- Capital improvements, buildings, facilities, general obligation bonds, bond anticipation notes, issuance authorized, SB 2274, *Sub SB 2274, CH. 345X
- Capital improvements, projects, without bidding, dollar amount increased, SB 2275
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- Classified service personnel, hiring, certain, higher education personnel board, review mandated, SB 2988
- Debts, claims due, collection, financing, late charges authorized, *SB 2478, CH. 18X
- Degrees, new authorization, EWSC, CWSC, WWSC, postsecondary education council, review, fiscal impact determination, recommendations, *HB 768, CH. 201X
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- Floating holiday, faculty, certain, excluded, *Sub SB 2399, CH. 111X
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- Higher education operating fees account, general fund, created, use, legislative determination, provisions, SB 2435
- Immigrant refugees, certain, resident college tuition, authorized, *Sub HB 225, CH. 265X
- Medical students, certain, foreign-trained, University of Washington medical school, clinical training, transfer programs, establishment procedures adopted, *HB 271, VETOED
- National guard, tuition, college, vocational, partial payment provision, SB 2188
- Non-immigrant alien families, certain, college, university tuition, fees, resident rates authorized, SB 2113, *Sub SB 2113, CH. 155X, P.V.
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(a) Amendment to original bill.

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- Taxes, property, exemption, cessation, recapture provisions, SB 2362, *Sub HB 741, CH. 209X
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- Tuition, fees, charge computation, instructional cost basis, established, *Sub HB 312, CH. 322X
- Tuition, fees, increased, establishment, adjustment, biennial provision, Sub SB 2800
- Tuition, fees, joint program, two or more institutions, *SB 2273, CH. 126X
- Tuition, fees, nonfaculty employees, exemption provision, SB 2270
- Unemployment compensation, student disqualification, *Sub HB 563(a), CH. 33X
- Veterans, tuition, fees exemption, termination, *Sub HB 312, CH. 322X
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- Western Washington university, regional university, designated, SB 2085, Sub SB 2085, *Sub HB 472, CH. 169X

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- Fisheries compacts, abstention until Indian fishing rights litigation settled, directed, SCR 115
- Gorge, environmental protection, permits, variances, issuance, *Sub SB 2634, CH. 132X
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- Smelt, commercial fishing license, application period extended, SB 3005
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- Foreign trade zones, nonprofit organization sponsorship, establishment authorized, *HB 113, CH. 196X
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- (a) Amendment to original bill.
- SR Senate Resolution.
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- Washington innovation service institute pilot project, established, appropriation, HB 400

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- Land, platted, amended plat, filed, subdivision laws, exempted, SB 3076
- University of Washington, metropolitan tract, lease term extended, *HB 1284, CH. 365X

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- Electronic fund transfer systems, financial institutions, point of sale terminals, commercial establishments, authorized, checking, loan accounts, access, SB 2776
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- Usury law, inapplicable, amount of money involved, decreased, SB 2606

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- Motor freight, cities, towns, established, defined, SB 2257

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- Fire board, fire protection districts, mergers, membership, election procedures, *SB 2868, CH. 121X
- Fire district, vacancies, filling, *SB 2123, CH. 64
- Public disclosure, qualifications, restrictions, revisions, SB 2167
- Public utility districts, election, nomination by petition, or by primary election if more than two candidates file, provisions, SB 2142
- Public utility districts, election, non-partisan election laws, conformation, *HB 35, CH. 53
- Public utility districts, five and three commissioner districts established, defined, SB 2941, *HB 878, CH. 36X
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- Water district, compensation, increased, SB 2174

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- Abolishment procedures established, *Sub SB 2082, VETOED
- Abolishment procedures established, certain abolished, SB 2082, *Sub HB 564, CH. 289X
- American revolution bicentennial, abolished, duties transferred, state historical society, *SB 2029, CH. 17X
- Asian-American, abolished, duties transferred, minority affairs, 2nd Sub SB 2559
- Asian-American, expiration date, appropriation, *Sub HB 138, CH. 297X
- Attorney general, powers redefined, departments, boards, commissions, attorneys, employment, authorized, SB 2213
- Blind, established, duties transferred from social and health services department, SB 2332, *HB 424, CH. 40X
- Canal, abolished, HB 64

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- Cost data reports, program planning fiscal management office, required, *HB 69, CH. 23
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- Educational structure and management, created, membership, duties, appropriation, Sub HB 1277
- Equipment, motor vehicles, closer conformance federal guidelines, use regulations, noncompliance, misdemeanor, *Sub HB 952, CH. 355X
- Equipment, motor vehicles, headlamps, international standards permitted, *SB 3060, CH. 20X
- Equipment, tow truck operator appointment requirement, *Sub HB 228, CH. 167X
- Escrow, abolished, records transferred, motor vehicles department, HB 64
- Fisheries, created, duties, SB 2248
- Game, created, powers, duties, SB 2233
- Harbor lines, certain locations, authority extended, *SB 2211, CH. 124X
- Horse racing, title only, SB 2985
- Hospital, staff employment authority transferred, *SB 2074, CH. 35
- Hospital, staggered terms, *SB 2091, CH. 36
- Housing, created, powers, duties, appropriation, SB 2745
- Human rights, laws, revisions, SB 2482
- Jail, established, powers, duties, Sub SB 2040
- Jail, established, powers, duties, appropriation, SB 2040, *2nd Sub SB 2040, CH. 316X
- Judicial qualifications, establishment, contingent, passage proposed new judicial article, SB 2933
- Mexican-American, abolished, duties transferred, minority affairs, 2nd Sub SB 2559
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- Pilotage, composition, *SB 2042, CH. 337X
- Power, code references deleted, replaced by "operating agency", *HB 1263, CH. 184X
- Public disclosure, member, identified with political party, appointment procedure, SB 2476
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- Public employment relations, members, terms, powers, modified, SB 3043
- Reciprocity, multistate proportional registration agreement, international registration plan, study, authorized, *SB 2189(a), CH. 92X
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- Regulatory reform act, enacted, *Sub SB 2082, VETOED
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- Vocational education, fire service training center, general obligation bonds, bond anticipation notes, issuance authorized, Sub SB 3097, *2nd Sub SB 3097, CH. 349X
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- Abolishment procedures established, *Sub SB 2082, VETOED
- Abolishment procedures established, certain abolished, SB 2082, *Sub HB 564, CH. 289X
- Administrative rules review, appropriate legislative committee, procedures, established, SB 2119
- Business inspections, select joint committee, legislation development, elimination, consolidation, modification, unnecessary, duplication, established, Sub HB 908
- Cost data reports, program planning fiscal management office required, *HB 69, CH. 23
- Design standards, highways, abolished, records transferred, highways department, HB 64
- Electric power industry technical, ad hoc energy advisory council, provisions, SB 3080, Sub SB 3080
- Emergency medical, ambulance review, membership appointment provision, HB 595
- Energy and utilities, joint, be created, Sub SCR 108
- Energy and utilities, joint, formerly nuclear energy joint committee, *Sub HB 928, CH. 328X, P.V.
- Explosives, flammables, transport, safety, advisory, abolished, records transferred, state patrol, HB 64
- Finance, PERS, investments, authority, provisions, SB 2336, Sub SB 2336
- Finance, retirement systems director, investment authority, co-responsibility, PERS, LEOFF, TRS, state patrol, judicial, judges, retirement system funds, Sub HB 620
- Finance, retirement systems director, investment authority, co-responsibility provisions, *Sub HB 619, CH. 251X
- Fisheries, tri-state, Washington, Idaho, Oregon, legislative committee, petitioned, SCR 104, *HCR 2
- Industrial welfare, membership changes, SB 2841
- Intergovernmental relations, joint, created, powers, duties, *HCR 33
- International performing festival arts steering, created, Sub HB 777
- LEAP, legislative evaluation, accountability program, created, powers, duties, SB 2504, *Sub HB 660, CH. 373X

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(a) Amendment to original bill.

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- Natural gas industry technical, ad hoc energy advisory council, provisions, SB 3080, Sub SB 3080
- Nuclear energy, joint committee, redesignated, energy and utilities joint committee, membership increased, energy emergencies, *Sub HB 928, CH. 328X, P.V.
- Nursing assistant training advisory, local, regional, establishment, SB 3063
- Petroleum fuel industry technical, ad hoc energy advisory council, provisions, SB 3080, Sub SB 3080
- Political parties, legislative district chairmen, appointment powers, revised, SB 2481
- Political parties, state, local, formation, provisions, SB 2481
- Preschool education advisory committee, created, state board education rules, authorized, SB 2847
- Public employee bargaining, inactive, abolished, SB 2064
- Regulatory reform act, enacted, *Sub SB 2082, VETOED
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- Senate, ways and means, specific mileage rate regulation, SB 2907
- Statue, Mother Joseph, erection in statuary hall, national capitol, appointment, Sub HB 574, SB 2431, *Sub SB 2431, CH. 13X
- Steering, ombudsman office, disabled citizens created, SB 3032
- Survey monumentation advisory, abolished, records transferred, department natural resources, HB 64
- Transportation, legislature, revisions, studies authorized, *Sub SB 2525, CH. 235X
- Vendor rates advisory, abolished, records transferred, social, health services department, HB 64
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- Vocational rehabilitation advisory, created, social and health services department, membership, duties, SB 3031
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
 SR Senate Resolution.
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- (a) Amendment to original bill.
SR Senate Resolution.
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- (a) Amendment to original bill.
- SR Senate Resolution.
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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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- Cities, counties, arterial, long range plans, requirement eliminated, HB 922
- Community colleges, building construction, alterations, bond financing, *SB 2277, CH. 346X
- Correctional institutions, construction, establishment, within five miles, residence, place of employment, state, county road, other than own access road, prohibited, SB 2357
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- Fauntleroy state ferry dock, environmental policy, shoreline management acts, exemption provision, SB 2329
- Ferries, contract negotiation procedures established, sales tax exemption, *Sub SB 3093, CH. 166X
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- Highways, bonds, title only, SB 2538
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- Highways, improvements, plans, considered tentative until filed with county auditor, or condemnation proceedings commenced, *Sub SB 2529, CH. 225X
- Highways, limited access, rights of way, acquisition, maintenance procedures, SB 2386
- Highways, project bids, call, one week postponement, permitted, *SB 2124, CH. 65
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- Liens, code, new, provisions, SB 2607
- Mobile homes, safety, labor and industry department, federal standards, adoption, compliance, violation, *SB 2387, CH. 21X
- Nuclear generating projects, contract amendment authority, SB 2771, *HB 852, CH. 28X
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- Parking garage, visitors, state library parking lot site, construction, general obligation bonds, bond anticipation notes, issuance authorized, appropriation, HB 716
- Parking garage, visitors, west capitol campus, construction, general obligation, anticipation notes, issuance authorized, appropriation, HB 716(a)
- Public works contracts, false statements bidding prohibitions, penalties, *Sub HB 238, CH. 71X
- Public works projects, certain, cities, first class, charter, design-construct, construction management, authorized, Sub SB 2885
- Public works projects, state local, employers who have violated federal wage guidelines, barred, officials, violations, prosecution provision, SB 2100
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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- Roads, county, legislative authority, standards, hearings, public notice regulations, Sub HB 1258
- Salmon facilities, general obligation bonds, bond anticipation notes, issuance authorized, *Sub HB 1184, CH. 308X
- School buildings, cost stabilization program, established, appropriation allocation limitation, *SB 2570, CH. 89X
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- Shoreline management, local government, permits, variances, conditional uses, "date of filing" defined, grandfather clause, *Sub HB 1310(a), CH. 358X
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- Smoke detectors, residential dwellings, certain, required, HB 357
- Solar heating equipment, used in new construction, energy savings improvements, sales, use tax exempt, SB 2186
- State buildings, acquisition, construction, remodeling, bond financing, SB 2271
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- Automobile insurance, statutory protection, certain areas, nonrenewal, liability coverage, because of secondary losses, prohibited, Sub HB 520
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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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- Solid waste, processing conversion, contracts, certain provisions deleted, SB 2858
- Usury law, inapplicable, business, commercial transactions, amount of money involved, decreased, SB 2606

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- Civil actions, contributory fault established, SB 2296
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(a) Amendment to original bill.

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- Marihuana education and control act, enacted, Sub HB 257, SB 2330
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- Convention center facilities, cities, land acquisition, authorized, SB 2923
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- Liquor license, class H, privately owned centers with facilities for sports, entertainment, conventions, issuance permitted, SB 2136
- Political candidates, nominations, partisan public offices, procedures, *Sub SB 2032(a), CH. 329X
- Political parties, minor, organization, procedures, established, SB 2032, *Sub SB 2032, CH. 329X
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- Criminal records privacy act, SB 2608, *Sub SB 2608, CH. 314X

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- Violators, license rate establishment, *SB 2055, CH. 82X

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- Corporate filing services, secretary of state, fee schedule revisions, Sub HB 634
- Foreign trade zones, nonprofit organization sponsorship, establishment authorized, *HB 113, CH. 196X
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- Professional service, physicians, psychologists, optometrists, allowed, HB 704
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(a) Amendment to original bill.

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Institutions, construction, establishment, within five miles, residence, place of employment, state, county road, other than own access road, prohibited, SB 2357

Institutions, construction, remodeling, social and health services department, plan, formulated, submitted to legislature, provisions, SB 2929

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(a) Amendment to original bill.

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- Prosecuting attorneys' coordinating, established, SB 3066, Sub SB 3066
- Regulatory reform act, enacted, *Sub SB 2082, VETOED
- Reports, publications, printing, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X
- Reports, requirements, general revisions, *SB 2133, CH. 75, P.V.
- Salmon advisory, created, Sub SB 2623
- Salmon advisory, created, enhancement program purposes, membership, travel expenses, *3rd Sub HB 1188, CH. 327X
- State governments, western conference, meeting, legislative invitation in Washington, extended, *SCR 110
- Sunset act, enacted, *Sub HB 564, CH. 289X

COUNTIES (See also name of County)

- Adjustment boards, members, compensation determination, SB 2398
- Agriculture, miscellaneous laws, weeds, seeds, inspection standards, fees, marketing agreements, horticultural districts, weights and measures, amended, *SB 2208, CH. 26X
- Amusement games, local taxes reduced, *HB 417, CH. 198X
- Animals, killed or injured by dogs, damage payment, county dog license tax fund, amount per animal specified, SB 2073, SB 3037
- Animals, killed or injured by dogs, damage payment, county dog license tax fund, market value limitation, HB 390
- Annexations, proposed, small areas, subject to boundary review board action when requested, decisions, finding of facts, requirements, water, sewer district exemption provision, Sub HB 1190
- Arterial construction, long range plans, requirement eliminated, HB 922
- Assessments, real property, indicated ratio, revenue department determination, appeal, *Sub SB 2502(a), CH. 284X
- Assessments, real property, value equalization, guideline procedures, established, SB 2502, *Sub SB 2502, CH. 284X
- Assessors, budget committees, establishment, funding, county-wide revaluation purposes, SB 2991
- Association, county officials, counties, merger desired, *SB 2111(a), CH. 221X
- Association, county officials, reimbursement increased, *SB 2111, CH. 221X
- Basic juvenile court act, enacted, *3rd Sub HB 371(a), CH. 291X
- Bicycles, facilities development, registration requirement, fee allocation, provisions, Sub SB 2363
- Bicycling, facilities development, registration requirement, provisions, SB 2363
- Bicycling, state coordinator, traffic safety commission, authorized, appropriation, HB 708, SB 2360
- Bingo, raffles, amusement games, certain nonprofit organizations, local tax, exemption, *HB 417, CH. 198X
- Bonds, refunding provisions, revised, *HB 1264, CH. 262X
- Bonds, sales, issuance, proceeds, funding reserve account, use permitted, *Sub SB 3028, CH. 229X, P.V.
- Cascade, created, SB 2361

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

COUNTIES (See also name of County)—cont.

- Census procedures, definitions, frequency, program planning fiscal management office standards, *SB 2288, CH. 110X
- Census, special, liquor funds distribution purpose, *SB 2288, CH. 110X
- Cities, towns, counties, home rule units, increased, powers, authorized, SJR 111
- Clerk's trust fund, litigants, investments, income, revisions, *SB 2110, CH. 63
- Commissions, certain large counties, membership increase, ballot proposition, provisions, Sub HB 79
- Convention facilities districts, creation authorized, SB 2833
- Criminal justice programs, local, provisions, appropriation, 2nd Sub HB 307
- Curb ramps, sidewalks, general administration department, model design standards not uniquely dangerous to blind persons, adoption, *Sub HB 821, CH. 137X
- Developmental disabilities boards, revisions, SB 2843, Sub SB 2843
- Economic assistance act, counties, major employing industries, defined, *Sub HB 105, CH. 296X
- Election costs, payment authorized, appropriation, Sub HB 1033
- Electrical traffic, highway equipment, county day labor project limit, *HB 287, CH. 32X
- Emergency medical service districts, establishment, excess levy provisions, SB 2834
- Energy facility site applications, zoning ordinances, location agreements, compliance procedures, SB 2555
- Energy facility sites, land use planning, applications, notification, zoning revisions, SB 2910
- Energy facility sites, requirements, procedures, fee, environmental counsel appointment, costs, *Sub SB 2910, CH. 371X, P.V.
- Environmental policy act, governmental denials, grounds, policy requirements, appeal, *Sub SB 2654, CH. 278X
- Environmental policy act, public notice, judicial review provisions, modified, *Sub SB 2654, CH. 278X
- Equalization boards, additional meetings, requirements, *SB 2451(a), CH. 290X
- Equalization boards, per diem, *SB 2005, CH. 33
- Equipment rental fund, road department, other departments, created, use provisions, *SB 2024, CH. 67
- Facilities, additional tap, connection charges, recording requirement, *Sub HB 30, CH. 72
- Ferries, motor vehicle fund, distribution provisions, *Sub HB 427, CH. 51
- Ferries, Pierce, Skagit, Whatcom, motor vehicle fund, reimbursement, *Sub HB 427, CH. 51
- Ferries, tariff reviews, commissioners, participation expanded, *HB 122, CH. 29
- Firearms, lost, unclaimed, governmental entity possession, retention, *Sub HB 912, VETOED
- Fiscal notes, proposed legislation, relating to cities, towns, counties, other units of local government, office program planning fiscal management, preparation required, *SB 2325, CH. 19X, P.V.
- Foreign trade zones, nonprofit organization sponsorship, establishment authorized, *HB 113, CH. 196X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

COUNTIES (See also name of County)—cont.

- Fuel excise tax, motor vehicle department, computation, distribution, *Sub SB 2537, CH. 317X
- Game law fines, bail forfeitures, distribution, HB 275, *SB 2344, CH. 59X
- Grants, gifts, certain, permitted, obligations not secured by taxes, allowed, Sub HJR 36, SJR 115
- Health departments, funding, appropriations, SB 2615, Sub SB 2615
- Hearing examiners, zoning ordinance amendments, variances, land use changes, planning commission duties transferred, *SB 2421, CH. 213X
- Highways, limited access design and redesign procedures, hearings, *SB 2385, CH. 77
- Historical societies, volunteers, industrial insurance medical aid coverage, permitted, SB 2012
- Holidays, legal, public employees, permanently employed, paid compensation, authorized, SB 2859
- Homesite lands, repealed, HB 144, *SB 2065, CH. 13
- Horse racing, county fairs, certain parimutuel tax, interest, course support, SB 2441
- Hostels, authorized, *SB 2460, CH. 281X
- Jail standards, program, state-wide minimum, Sub SB 2040
- Jail standards, program, state-wide minimum, appropriation, SB 2040, *2nd Sub SB 2040, CH. 316X
- Jails, prisoners, possession, use, dangerous weapons, guilty of felony, provisions, SB 2209
- Juvenile court act in cases relating to dependency of a child and the termination of a parent and child relationship, enacted, *3rd Sub HB 371(a), CH. 291X
- Juvenile justice act, enacted, *3rd Sub HB 371, CH. 291X
- Juvenile probation services, support revisions, SB 2406
- Juvenile services, funds, application, conditions, modified, appropriation, *2nd Sub HB 874, CH. 307X
- Law enforcement officers, collective bargaining, included, HB 85
- Law enforcement officers, suits against, surety bonds required, SB 2415
- Law enforcement officers, volunteer, municipal, industrial insurance coverage, authorized, *SB 3058, CH. 113X
- Legal matters, private legal counsel authorized, SB 2612
- Legal publications, advertising, bids, ordinances, summaries permitted, full text availability, requirement, *Sub SB 2019, CH. 34
- Legal services, private counsel, employment authorized, SB 2234
- Legislative authorities, members, office terms, election certificates, provisions, HB 746
- Library districts, cities, towns, 8,500 or less population, annexation procedure, tax levy, *Sub HB 936, CH. 353X
- Liquor funds distribution, special census, certification, *SB 2288, CH. 110X
- Local government investment pool fund, board created, appropriation, Sub HB 464
- Mandatory retirement, employees under age seventy years, prohibited, waiver, conditions, SB 2422
- Metropolitan municipal corporation, metro, class AA, A, functions, powers, assumption, transfer authorized, SB 2430, *Sub SB 2430, CH. 277X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

COUNTIES (See also name of County)—cont.

- Mobile home, single trip permit, local authority issuance, tax certification, Sub HB 102, SB 2052, *Sub SB 2052, CH. 22X
- Motor vehicle accidents, written reports, damage amount increased, financial responsibility requirements revised, *HB 727, CH. 369X
- Motor vehicle fuel, sales, tax imposed, SB 2917
- Motor vehicles, public, marking not in accordance to law, public officers, certain, civil penalty, assessment provisions, HB 210
- Newspapers, legal publications, regular print size required, ordinances, summaries permitted, full text availability, provisions, SB 2019
- Outdoor advertising signs, removal, scenic vistas act, compensation, *Sub SB 2956, CH. 141X, P.V.
- Parks, state forest land transfers, natural resources, department regulation, SB 2284
- Pay period, biweekly, authorized, *HB 245, CH. 42
- Performing arts center facilities, acquisition, construction, municipal support, SB 3056
- Personnel systems, creation by ordinance, permitted, HB 787
- Planning commissions, members, compensation determination, SB 2398
- Police officers, public employees collective bargaining, included, HB 646
- Port districts, contiguous property, transfers authorized, procedures, *SB 3017, CH. 91X
- Precincts, establishment, composition, SB 2356, *Sub SB 2356, CH. 128X
- Property, leased to public agency, term, not to exceed fifty years, SB 3079
- Prosecuting attorneys' coordinating council, established, SB 3066, Sub SB 3066
- Prosecution coordination office, powers, duties, established, SB 3066, Sub SB 3066
- Public works, bid invitations, additional newspaper publication, *HB 301, CH. 267X
- Public works, bid requirement, minimum increased, *HB 301, CH. 267X
- Public works projects, state, local, employers who have violated federal wage guidelines, barred, officials, violations, prosecution provision, SB 2100
- Records, public disclosure, privacy, rights, violated, invaded, publicity, offensive, facts, allegations, no legitimate public concern, Sub SB 2285
- Records, public disclosure revisions, SB 2285
- Road administration board, good practice certificates, revocations, transmittal dates, revisions, *HB 825, CH. 257X
- Roads, construction, improvement, legislative authority, standards, hearings, public notice regulations, Sub HB 1258
- Roads, day labor, contract projects, privately owned equipment use, materials purchase quotations, provisions, SB 2023
- Runaway youth act, enacted, *3rd Sub HB 371(a), CH. 291X
- Salaries, wages, employees, direct bank deposits permitted, *Sub HB 512, CH. 269X
- Scenic river system, creation, management, HB 1191, *SB 3002, CH. 161X
- Seats, relocation, petitions, elections, public funds expenditure, acknowledgement, SB 2566
- Senior citizen, other programs, counties, cities, public corporations, state, local funds, use authorized, Sub HB 1278

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

COUNTIES (See also name of County)—cont.

- Shoreline management, local government permits, variances, conditional uses, "date of filing" defined, *Sub HB 1310, CH. 358X
- Shoreline management, permits, variances, conditional uses, "date of filing" defined, grandfather clause, *Sub HB 1310(a), CH. 358X
- Solid waste, processing agreements, sale, recovered materials, bid requirements, *Sub SB 2858, CH. 164X
- Special supervision program, juvenile probation, state aid, report to legislature, *2nd Sub HB 874(a), CH. 307X
- Stream patrolmen, services, counties, application, payment, assessment, reimbursement provisions, revised, *HB 55, CH. 22
- Superior courts, funding, provisions, contingent, passage, proposed new judicial article, SB 2935, Sub SB 2935
- Tax refunds, interest rate increased, SB 2381
- Taxes, property, real, assessment, indicated ratio, revenue department determination, appeal, *Sub SB 2502(a), CH. 284X
- Taxes, property, real, assessment, value equalization, guideline procedures, established, SB 2502, *Sub SB 2502, CH. 284X
- Thermal power electric generating facilities, federal, utility privilege tax distribution formula, *Sub HB 3, CH. 366X
- Transportation, intermodal centers, construction, lease, operation, federal grants, availability, *SB 2510, CH. 217X
- Transportation, public, funding, excise tax per housing unit, increase provision, HB 543, SB 3069
- Unclaimed personal property, disposition procedures established, *Sub HB 912, VETOED
- Unemployment compensation, public employing units, liability for contractor contributions, SB 2427, *HB 495, CH. 73X
- Variable gas tax, limitations, use, *Sub SB 2537, CH. 317X
- Vital statistics documents, fees increased, SB 2318
- Volunteers, authorized activities, fund provisions, Sub SB 3077
- Water, public supply system operators, classification, regulation, certification, SB 2454, Sub SB 2454, *Sub HB 327, CH. 99X
- Zoning ordinance amendments, variances, land use changes, planning commission duties transferred, hearing examiner, *SB 2421, CH. 213X

COUNTY OFFICERS - ASSESSORS

- Appeals, property assessment, indicated ratio, revenue department determination, *Sub SB 2502(a), CH. 284X
- Appraisals, property, reevaluated, notice requirement, *HB 438, CH. 181X
- Budget committees, establishment, funding, county-wide revaluation purposes, SB 2991
- Current use classification, application date, extended, SB 3047, Sub SB 3047
- Current use classification, retention, new owner, requirement, SB 2736
- Farmland, open space classification, benefits assessments, payment, delay, owner's request, allowed, 2nd Sub HB 766
- Forest lands, new owners, approval notices, filing extended, SB 2830
- Mobile homes, single trip permit, local authority issuance, tax certification, Sub HB 102, SB 2052, *Sub SB 2052, CH. 22X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

COUNTY OFFICERS – ASSESSORS—cont.

- Property, destroyed, tax relief application, filing requirement, SB 2737, *HB 642, CH. 200X
- Property tax exemption claims, applications, publication procedures, Sub HB 861
- Tax appeals board, appeals procedures modified, Sub HB 502
- Taxes, property, entered on assessment roll upon sale, Sub HB 102, SB 2052, *Sub SB 2052, CH. 22X

COUNTY OFFICERS – AUDITORS

- Business corporations, delinquent fee regulations, provisions, SB 2992
- Business corporations, filing requirements, eliminated, SB 2993, *HB 842, CH. 193X
- Documents, instruments, filing, recording procedures modified, SB 2853, Sub SB 2853
- Election laws, general revisions, SB 2034, *Sub SB 2034, CH. 361X
- Election laws, technical changes, SB 2860
- Highway improvements, plans considered tentative until recorded, or condemnation proceedings commenced, *Sub SB 2529, CH. 225X
- Instrument filing fees increased, *SB 2314, CH. 56X
- Liens, internal revenue service, filing fees increased, prepayment requirement removed, *SB 2106, CH. 62
- Polling places, handicapped persons, full access provisions, SB 2049
- Precinct maps, preparation, maintenance, requirement removed, SB 2356
- Precinct maps, preparation, transmission to secretary of state prior to July 1, 1980, required, *Sub SB 2356, CH. 128X
- Punch card ballots, voting, general revisions, Sub HB 204
- Registration lists preparation, provisions, Sub HB 396
- Voter registration, post card, system, established, Sub HB 227

COUNTY OFFICERS – CLERKS

- Fingerprints, adults, certain juveniles affixed to judgment, *Sub HB 1142, CH. 259X
- Foreign judgments, filing, enforcement provisions, *SB 2122, CH. 45X
- Trust fund, litigants, investments, income, revisions, *SB 2110, CH. 63

COUNTY OFFICERS – COMMISSIONERS AND COUNCILMEN

- Commissions, certain large counties, membership increase, ballot proposition, provisions, Sub HB 79
- Ferries, tariff reviews, participation provisions, expanded, *HB 122, CH. 29
- Roads, construction, improvement, standards, hearings, public notice, regulations, Sub HB 1258
- Senior citizen, other programs, counties, cities, public corporations, state, local funds, use authorized, Sub HB 1278

COUNTY OFFICERS – CORONERS

- Autopsies, performance, permission, list of individuals authorized to grant, findings, discussion with family, authorized, *SB 2083, CH. 79
- Blood samples, traffic fatalities, state reports required, use as evidence permitted, *SB 2254, CH. 50X
- Cemetery law, exclusion, *Sub HB 68, CH. 351X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Governorial Appointment.

COUNTY OFFICERS – PROSECUTING ATTORNEYS

Children, delinquent behavior, damages, juvenile court, probation counselors, disposition, restitution, informal adjustment, petition review, provisions, SB 2849, Sub SB 3027

Convicted persons, statement, facts of crime, prison terms, parole board, required, Sub HB 857, SB 2852

Petition, proposition, increase county legislative authority districts, membership, failure to act, prosecuting attorney, superior court, petition provision, Sub HB 79

Podiatrists, hospital rules, facilities use provisions, inclusion, violation provision, SB 2239

Prosecuting attorneys' coordinating council, established, SB 3066, Sub SB 3066

Prosecution coordination office, powers, duties, established, SB 3066, Sub SB 3066

COUNTY OFFICERS – SHERIFFS AND PUBLIC SAFETY DIRECTORS

Civil service, appointment procedures modified, unclassified position, authorized, provisions, SB 2112, Sub SB 2112

Fingerprints, adults, certain juveniles, affixed to judgment, attestation by court clerk, *Sub HB 1142, CH. 259X

COUNTY OFFICERS – TREASURERS

Budget committees, county assessors, establishment, funding county-wide revaluation purposes, SB 2991

Funds, public electronic transference authorized, *SB 2258, CH. 15X

Property tax, delinquent, interest rate increased, SB 2557

Property taxes, delinquency period decreased, Sub HB 728

Property taxes, interest rate increased, Sub HB 728

Property taxes, paid before April 30th, five percent deductible, paid October 31st, three percent deductible, provision, SB 2836

COURT OF APPEALS

Agencies, administrative decisions, judicial review, additional parties, joint filing requirement, *SB 2295, CH. 52X

Agencies, contested decisions, review provisions, SB 2299

Judges, candidates, two or less, no primary election, provisions, SB 2466

Judges, number increased, terms, *SB 2222, CH. 49X

Judges, salary increased, appropriation, 2nd Sub HB 1322, *2nd Sub HB 1306(a), CH. 318X

Pollution control board hearings, jurisdiction, SB 2573

Reports, publications, provisions, SB 2465

COURT REPORTERS

Salaries, increased, SB 2206

COURTS

Agreements, civil actions, approval by court, disclosure to jury, if any, required, SB 2155

Alcoholics, involuntary commitment, venue, *SB 2444, CH. 129X

Alcoholics, repeaters, involuntary commitments, application contest rights, counsel representation, *SB 2444, CH. 129X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

COURTS—cont.

- Appeals, agencies, administrative decisions, judicial review, additional parties, joint filing requirement, *SB 2295, CH. 52X
- Appeals, agencies, state, contested decisions, review provisions, SB 2299
- Appeals, judges, number increased, terms, *SB 2222, CH 49X
- Appeals, judges, salary increased, appropriation, 2nd Sub HB 1322, *2nd Sub HB 1306(a), CH. 318X
- Appeals, pollution control board hearings, jurisdiction, SB 2573, Sub SB 2573
- Basic juvenile court act, enacted, *3rd Sub HB 371(a), CH. 291X
- Children, delinquent behavior, damages, juvenile court, probation counselors, disposition, restitution, informal adjustment, petition review, provisions, SB 2849, Sub SB 3027
- Children, delinquent behavior, damages, juvenile court, probation counselors, disposition, restitution provisions, SB 3027, Sub SB 3027
- Civil actions, filing fees increased, allocation, *SB 2196, CH. 107X
- Clerk, fingerprints, felony judgments, attestation, *Sub HB 1142, CH. 259X
- Controlled substances, property seizure, forfeiture procedure, *SB 2416, CH. 77X
- Convicted persons, statement, facts of crime, prison terms, parole board, required, Sub HB 857, SB 2852
- Costs, criminal cases, witness fees, payment procedures established, HB 58
- County legal matters, private legal counsel authorized, SB 2612
- Criminal justice programs, local, provisions, appropriation, 2nd Sub HB 307
- Criminal records privacy act, SB 2608, *Sub SB 2608, CH. 314X
- Custody, children, jurisdiction, uniform act, enacted, Sub HB 1145
- Death penalty, procedures, general provisions, revisions, SB 2001, *Sub HB 615, CH. 206X
- Death penalty procedures, two-tiered, guidance, jury, sentencing proceedings, *Sub HB 615, CH. 206X
- Defendants, commitment, summary probation authorized, provisions, SB 2951
- District, employees, collective bargaining, included, HB 85
- District, judges, salary increased, appropriation, 2nd Sub HB 1322, *2nd Sub HB 1306(a), CH. 318X
- District, state-wide system, established, SB 2311
- District, superior court jury selection process, extended, SB 2413
- District, uniform state-wide system, established, contingent, passage proposed new judicial article, SB 2934
- Felony offenses, determinate sentencing, Sub HB 614
- Felony offenses, sentencing procedures, Sub HB 614
- Filing fees increased, allocation, *SB 2196, CH. 107X
- Fingerprints, adults, certain juveniles, affixed to felony judgment, attestation by court clerk, *Sub HB 1142, CH. 259X
- Foreign judgments, filing, enforcement provisions, *SB 2122, CH. 45X
- Grandparents, child custody proceedings, authorized, SB 2323(a)
- Grandparents, visitation rights, children, dissolutions, authorized, SB 2323
- Judgments, amendments, revisions, revival period increased, SB 2317
- Judgments, extension, twelve years provisions, SB 2317(a), SB 3048
- Judgments, justice, extension provisions, HB 1269, SB 2322
- Judicial system, new article, adoption, SJR 104
- Jurors, unemployment compensation benefits insured, SB 2303

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

COURTS—cont.

- Jury fees, increased, *HB 414, CH. 248X, *SB 2300, CH. 53X
- Jury service, exemptions, certain persons, deleted, HB 409, SB 2304
- Jury service, women's exemption provision deleted, Sub HB 396, SB 2294
- Justice, garnishment writ, fee modification, HB 407, *SB 2302, CH. 55X
- Justice, judges, salary increased, appropriation, 2nd Sub HB 1322, *2nd Sub HB 1306(a), CH. 318X
- Justice, judgments, extension provision, HB 1269, SB 2322
- Justice, jurisdiction, amount increased, Sub SB 2958
- Juvenile court act in cases relating to dependency of a child and the termination of a parent and child relationship, enacted, *3rd Sub HB 371(a), CH. 291X
- Juvenile, employees, collective bargaining, included, HB 85
- Juvenile, family, filing fees increased, allocation, *SB 2196, CH. 107X
- Juvenile justice act, enacted, *3rd Sub HB 371, CH. 291X
- Juvenile services, funds, application, conditions, modified, appropriation, *2nd Sub HB 874, CH. 307X
- Juvenile, title only, SB 2971
- Law enforcement officers, suits against, surety bonds required, SB 2415
- Limited jurisdiction, title only, SB 2958
- Malicious mischief, definition extended, SB 3025
- Motor vehicle operators, unlicensed, habitual traffic offenders, court jurisdiction, *HB 797, CH. 138X
- Municipal, employees, collective bargaining, included, HB 85
- Municipal, establishment, termination, ordinance provisions, HB 664
- Private communciations, recordings, court orders, applications, inventory, requirements, *SB 2419, CH. 363X
- Private communications, recordings, court orders, reports, *SB 2419, CH. 363X
- Probate laws, general revisions, *SB 2215, CH. 234X
- Reporters, salaries, increased, SB 2206
- Runaway youth act, enacted, *3rd Sub HB 371(a), CH. 291X
- Self-defense, definition extended, SB 2464
- Sentences, felons, alternatives, offender maintenance payments, funds, use, provisions, SB 2926
- Sentencing reform act, revisions, SB 3078
- Shoplifting actions, costs removed, penalty added, *SB 2675, CH. 134X
- Shorelines management, permits, delay, relief provision, SB 2170
- Small claims, title only, SB 2961
- Special supervision program, juvenile probation, state aid, report to legislature, *2nd Sub HB 874(a), CH. 307X
- Superior, emergency medical treatment, authorization, procedures, SB 3057
- Superior, funding, provisions, contingent, passage, proposed new judicial article, SB 2935, Sub SB 2935
- Superior, judges, retired, pro tempore appointments, authorized, SB 2505
- Superior, judges, salary increased, appropriation, 2nd Sub HB 1322, *2nd Sub HB 1306(a), CH. 318X
- Superior, jurisdiction, establishment, contingent, passage proposed new judicial article, SB 2936
- Superior, transcript filing fee, increased, SB 2183

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

COURTS—cont.

- Superior, trial proceedings, electronic recordings, permitted, specified exceptions, SB 2297
- Supreme, justices, salary increased, appropriation, 2nd Sub HB 1322, *2nd Sub HB 1306(a), CH. 318X
- Title only, SB 2973
- Uniform child custody jurisdiction act, enacted, Sub HB 1145
- Visitation rights, children, petition for, any person, *Sub HB 643, CH. 271X
- Witness fees increased, HB 413, *SB 2301, CH. 54X

COWLITZ COUNTY

- Natural resources department, certain lands, transfer, parks, recreation commission, authorized, SB 3023
- Superior court, judges, number increased, SB 2337, *Sub SB 2143, CH. 311X

CREDIT

- Electronic fund transfer systems, financial institutions, point of sale terminals, commercial establishments, authorized, checking, loan accounts, access, SB 2776
- Electronic fund transfer systems, financial institutions, point of sale terminals, commercial establishments, authorized, checking loan, savings accounts, access, Sub HB 685
- Energy conservation, services, materials, state, local government, lending of credit, permitted, Sub SJR 116
- Fairness in lending act, enacted, SB 2469, *Sub HB 323, CH. 301X
- Financial institutions disclosure act, enacted, SB 2469, *Sub HB 323, CH. 301X
- Insurance sales, solicitation, property insurance, extenders of credit, restrictions, *HB 386, CH. 61
- Residential dwellings, loan practices, disclosure, geographical discrimination prohibited, SB 2469, *Sub HB 323, CH. 301X
- Transactions, federal, state, duplication, elimination regulations, SB 2670
- Transactions, marital status consideration prohibited, SB 2469, *Sub HB 323, CH. 301X

CREDIT UNIONS

- Central, rights, powers, authorized, SB 2420, Sub SB 2420, *Sub HB 625, CH. 207X
- Fairness in lending act, enacted, SB 2469, *Sub HB 323, CH. 301X
- Financial institutions disclosure act, enacted, SB 2469, *Sub HB 323, CH. 301X
- Residential dwellings, loan practices, disclosure, geographical discrimination prohibited, SB 2469, *Sub HB 323, CH. 301X
- Salaries, wages, local government employees, direct bank deposits permitted, *Sub HB 512, CH. 269X

CREMATION

- Remains, largest dimension, defined, possession provisions, *SB 2078, CH. 47

CRIME VICTIMS

- Compensation, restitution, general revisions, SB 2664, SB 2938, *Sub HB 353, CH. 302X
- Drunken drivers compensation act, enacted, spirits, users fee levied, alcohol users revolving fund, created, provisions, SB 2456

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

CRIME VICTIMS—cont.

Protection, assistance, legal defense, *Sub HB 615, CH. 206X
Sexual assault act, enacted, Sub HB 820

CRIMES AND CRIMINAL PROCEDURES

Abandoned vehicle disposers, registration, bonds, regulations, SB 2914, Sub SB 2914

Administrative procedures, prisoners, hearings, exclusion provision, SB 2392

Alcoholic beverage purchase, proof of age, identification, no reasonable doubt, licensee, not subject to any civil, criminal liability, penalty, SB 2932

Arson investigation, state patrol identification section records, fire marshal access, *HB 199, CH. 30X

Automobile dealers, crimes related to auto industry, adjudged guilty, license provisions, SB 2244, *Sub SB 2244, CH. 125X

Banking supervisor, general administration department, examination reports, confidentiality requirements, violation, penalty, *Sub HB 384, CH. 245X

Banks, trust companies, control, application, other information, filing, prior to acquisition, required, violation, penalty, injunctive relief, *Sub HB 393, CH. 246X

Banks, trust companies, unsound conditions, officers, directors, violations, SB 2265, *HB 338, CH. 178X

Basic juvenile court act, enacted, *3rd Sub HB 371(a), CH. 291X

Beverage container control act, enacted, SB 2259

Blood samples, traffic fatalities, state reports required, use as evidence permitted, *SB 2254, CH. 50X

Bomb threats, governmental property included, penalty increased, *Sub SB 3105, CH. 231X

Candidates, public office, false filing declarations, provisions, SB 2404

Casket sales, rentals, price display required, violations, misdemeanor, SB 2845

Cedar salvage, harvesting regulations, violations, *Sub HB 873, CH. 147X

Children, delinquent behavior, damages, juvenile court, probation counselors, disposition, restitution, informal adjustment, petition review, provisions, SB 2849, Sub SB 3027

Children, delinquent behavior, damages, juvenile court, probation counselors, disposition, restitution provisions, SB 3027, Sub SB 3027

Controlled substances, penal institution residents, possession prohibited, *SB 2002, CH 43X

Controlled substances, property seizure, forfeiture procedure, *SB 2416, CH. 77X
Convicted persons, statement, facts of crime, prison terms, parole board, required, Sub HB 857, SB 2852

Court costs, witness fees, payment procedures established, HB 58

Crime victims, compensation, provisions, general revisions, SB 2664, SB 2938, *Sub HB 353, CH. 302X

Criminal code, various sections clarified, Sub HB 453

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

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- Grants, gifts, certain, permitted, obligations not secured by taxes, allowed, Sub HJR 36, SJR 115
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- Local improvement, utility, election, petition, twenty-five percent of qualified electors, provisions, SB 2173
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- Park and recreation, interest bearing warrants, issuance, voter authorization, *SB 3009, CH. 90X
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- Children, grandparents visiting rights authorized, SB 2323
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- Agencies, reports, publications, printing, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X
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- Animals, killed or injured by dogs, damage payment, county dog license tax fund, amount per animal specified, SB 2073, SB 3037

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(a) Amendment to original bill.

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- Basic juvenile court act, enacted, *3rd Sub HB 371(a), CH. 291X
- Children, visitation rights, petition for, any person, *Sub HB 643, CH. 271X
- Juvenile court act in cases relating to dependency of a child and the termination of a parent and child relationship, enacted, *3rd Sub HB 371(a), CH. 291X
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- Accident liability insurance, financial responsibility deposit, requirements increased, Sub SB 2306
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- Insurance, uninsured, underinsured motorist coverage, issuance, limits of insured motor vehicle, purchaser's option, permitted, *Sub HB 1348, VETOED
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- Licenses, issuance, degree of alcoholism redefined, *SB 2199(a), CH. 162X
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(a) Amendment to original bill.

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- Yakima basin, water supplies availability, miscalculation, bureau of reclamation, practices, procedures, investigation petitioned, SJM 111

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- Controlled substances, penal institution residents, possession prohibited, *SB 2002, CH. 43X
- Hypodermic needles, syringes, sale, prescription required, *Sub HB 508, CH. 249X
- Laetrile, use permitted, *SB 2241, CH. 122X
- Legend, prescription, written, oral, authorized medical personnel, class broadened, *SB 2090, CH. 69
- Liquor revolving fund, university of Washington, disbursement, research purposes, provisions, SB 2506, Sub SB 2506
- Liquor revolving fund, Washington state university, disbursement, research purposes, provisions, SB 2506, Sub SB 2506
- Motor vehicle operators, driving while under influence, intoxicating liquor, controlled substances, penalties increased, SB 2417
- Nonprofit organizations, treatment services, B&O tax, exempt, HB 1176
- Pharmacy assistants, regulation authorized, SB 2218, *Sub HB 314, CH. 101X
- Prescription, less costly equivalents, formula basis, substitutions, authorized, SB 2238
- Prescription, sold to state, political subdivisions, sales, use tax exemption, *HB 382, CH. 179X
- Prescription, substitutions, visible cost posting signs, violations, penalties, *Sub HB 581, CH. 352X
- Sodium pentobarbital, animal control agencies, humane societies, purchase, possession, administration, euthanasia purposes, authorized, *HB 286, CH. 197X

DUNE BUGGIES

- Nonhighway vehicles, regulations, permits, definition, appropriation, provisions, *SB 2472, CH. 220X

EASTERN WASHINGTON STATE COLLEGE (See also Colleges and Universities)

- Bonds, limited obligation, certain, refund with general obligation bonds, revenue bond retirement funds and reserves, transfers, *Sub HB 1265, CH. 354X
- Degrees, new, authorization, postsecondary education council, review, fiscal impact determination, recommendations, *HB 768, CH. 201X
- Operating fees account, created, *Sub SB 2435, CH. 331X
- University, regional, designated, SB 2085, Sub SB 2085, *Sub HB 472, CH. 169X

ECOLOGY AND ECOLOGY DEPARTMENT

- Columbia river gorge, environmental protection, permits, variances, issuance, *Sub SB 2634, CH. 132X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

ECOLOGY AND ECOLOGY DEPARTMENT—cont.

- Dredged materials, public waters, disposal authorized, SB 2169, *Sub SB 2169, CH. 87X
- Drought, emergency powers, Columbia river, other public waters, temporary withdrawal, general obligation bonds, issuance, appropriation, Sub SB 2620, *2nd Sub SB 2620, CH. 1X
- Drought, emergency water bond redemption fund, created, general obligation bonds, issuance, authorized, appropriation, Sub SB 2632, 2nd Sub SB 2632
- Emergency vehicles, catalytic converters, removal permitted, *HB 1232, CH. 264X
- Environmental coordination procedures act, permit revisions, *HB 57, CH. 54
- Environmental policy act, applicability restricted, SB 2473
- Environmental policy act, council abolished, rules pertaining to integration, policies, procedures, state agencies, local governments, repealed, SB 2953
- Environmental policy act, governmental denials, grounds, policy requirements, appeal, *Sub SB 2654, CH. 278X
- Environmental policy act, public notice, judicial review provisions, modified, *Sub SB 2654, CH. 278X
- Family farm water act, permits, alternative to initiative 59, referendum provision, *Sub HB 1120, CH. 357X
- Family farm water act, permits, provisions, Senate Initiative 59
- Family farm water act, title only, SB 2630
- Initiative 59, alternative, SB 2947, *Sub HB 1120, CH. 357X
- Oil spills, other pollution, transfer fee, barrel, levied, environmental protection revolving fund, created, appropriation, SB 2176
- Scenic river system, creation, management, HB 1191, *SB 3002, CH. 161X
- Shoreline management, local government permits, variances, conditional uses, "date of filing" defined, *Sub HB 1310, CH. 358X
- Shoreline management, local government, permits, variances, conditional uses, "date of filing" defined, grandfather clause, *Sub HB 1310(a), CH. 358X
- Shoreline management, permits, delay, relief provision, SB 2170
- Shoreline management, residences, single family, certain, development provisions, excluded, SB 3000
- Shoreline management, technical corrections, *Sub HB 1310, CH. 358X
- Stream patrolmen, services, counties, application, payment, assessment, reimbursement provisions, revised, *HB 55, CH. 22
- Waste disposal facilities, definition modified, SB 2613
- Water related duties, transferred natural resources department, SB 2412
- Water resource allocation citizens' advisory committee, alternative to initiative 59, referendum provision, SB 2947
- Water resource allocation committee, created, established, emergency powers, alternative to initiative 59, referendum provision, SB 2947
- Water resource allocation emergency committee, created, powers, provisions, SB 3007
- Water rights, policies, procedures, established, alternative to initiative 59, SB 2854
- Water rights, summons return time period, service, *Sub HB 1120(a), CH. 357X
- Water withdrawal, permits, regional distribution, alternative to initiative 59, referendum provision, *Sub HB 1120(a), CH. 357X

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ECOLOGY AND ECOLOGY DEPARTMENT—cont.

Well water contractors, operators, complaints, department determination, SB 2574

ECONOMIC ASSISTANCE AND DEVELOPMENT

Act, counties, major employing industries, defined, *Sub HB 105, CH. 296X

Foreign trade zones, nonprofit organization sponsorship, establishment authorized, *HB 113, CH. 196X

ECONOMIC DEVELOPMENT ADMINISTRATION

Public work grants, Indian tribes, separate allocation, funding changes petitioned, SJM 104

ECONOMIC IMPACT

Agencies, state, rules, proposed, public notice, required, SB 2046

Life-cycle cost analysis, proposed actions, required, HB 365

Rules, regulations, title only, SB 2768

EDMONDSON, PAUL

Yakima valley community college, trustees board, member, GA 71, confirmed pp. 834, 882, 917-918

EDUCATION (See also Higher Education; also Schools and School Districts)

Accountants, permit renewals, continuing education, day basis reduced, SB 2844
Act, *Sub HB 960, CH. 359X

Basic education act, enacted, *Sub HB 960(a), CH. 359X

Basic, financing, support, cost-of-living provision, definition provisions, SB 2492

Basic, program, educational financial equalization act, provisions, SB 2428

Basic, skills, title only, SB 2887

Basic, state funding purposes, defined, SB 3020

Basic, title only, SB 2766, SB 2789, SB 2886

Bilingual instruction act, enacted, appropriation, Sub HB 480, SB 2837

Books, equipment, surplus, private schools availability, written notice, Sub SB 2372, *Sub HB 656, CH. 303X

Books, equipment, surplus, public agencies, private schools availability, provisions, SB 2372

Candidates, public office, false filing declarations, crime, SB 2404

Career education, testing, counseling, workshops, appropriation, SB 2511

Citizens educational disciplinary, created, membership appointments, powers, duties, SB 2915

Citizens for fair school funding basic program of education act, financial equalization, minimum standards, weighted pupil enrolled basis, levy provisions, SB 2424

Citizens for fair school funding educational accountability act, performance criteria, instructional hours, curriculum standards, information availability, provisions, SB 2423

Clinics, proprietary, dropouts, certification, services, fees, state aid authorized, *2nd Sub SB 2232, CH. 341X

Clinics, proprietary, dropouts, certification, services, fees, state aid authorized, appropriation, Sub SB 2232

Contracts, school, educational service districts, term specified, *SB 2160, CH. 210X

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

EDUCATION (See also Higher Education; also Schools and School Districts)——
cont.

- Education for all handicapped children act of 1975, public law 94-142, state compliance, SCR 119
- Educational clinics, provisions, state aid authorized, SB 2232
- Educational employment relations, bargaining units, supervisory employees removed, SB 2921
- Educational service districts, board members, elected by school directors, provisions, SB 2320
- Educational service districts, powers, duties, provisions, SB 2321
- Educational service districts, regional agencies, school districts, basic core uniform services, *Sub SB 2810, CH. 283X
- Educational structure and management, created, membership, duties, appropriation, Sub HB 1277
- Federal programs, requirements, new, changed, legislative review, financial impact determination, required, SCR 119
- Funding, financial equalization, apportionment formula calculation, special programs, SB 2567
- Funding, title only, SB 2893
- Gifted children division, established, SB 2307
- Handicapped persons, services, identification, education, rehabilitation, new, extended, provisions, SB 2871
- In-service training act, enacted, *Sub HB 470, CH. 189X
- K-12, title only, SB 2696, SB 2701, SB 2702
- Learning objectives, grades K-12, mandated, appropriation, *Sub HB 697, CH. 305X
- Learning objectives program, implementation, review, grades 9-12, inclusion, planning, development, appropriation, Sub SB 2952
- Learning objectives program, implementation, review, grades 9-12, inclusion, planning, development, provisions, SB 2952
- Marihuana education and control act, enacted, Sub HB 257, SB 2330
- Military personnel, dependents, department of defense civilians, dependents, community colleges, off-campus programs, inclusion, *Sub SB 2593(a), CH. 131X
- Military personnel, dependents, department of defense civilians, dependents, veterans, community colleges, off-campus programs, inclusion, *Sub SB 2593, CH. 131X
- Parents' rights, childrens' instructional material availability, new course notification, provisions, SB 2618
- Preschool education advisory committee, created, state board education rules, authorized, SB 2847
- Private schools, inter-school transfers, ancillary service provisions, SB 2373, Sub SB 2373
- Proven educational practices (PEP) act, enacted, appropriation, Sub HB 1203
- Psychologists, continuing education requirements, establishment required, *HB 237, CH. 58
- Remedial reading program, grades 2-6, establishment required, appropriation, 2nd Sub HB 1147
- Sales tax increase, food products exempted, SB 2432

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

EDUCATION (See also Higher Education; also Schools and School Districts)——
cont.

- School certified personnel, in-service training program, fund administration, SB 2832
- School children, learning, language disabilities, expunging report provisions, HB 477
- School classroom visitation rights, mandated, oral notice, number limitation, provisions, SB 2459
- School districts, actions against, summons, superintendent served, *SB 2831, CH. 120X
- School districts, first class, certain, class AA counties, population classification, revised, Sub SB 2809
- School employees, certificated, contract status, adverse change, hearings procedures, attorney's fees, SB 2245, *Sub SB 2245, CH. 7X
- School excess levies, limitations, Sub SB 2700, *HB 1086(a), CH. 325X, *Sub SB 2697, VETOED
- School facilities cost stabilization program, established, appropriation allocation limitation, *SB 2570, CH. 89X
- School fund distribution, equalization plan, provisions, SB 2518
- School management teams, established, formulate policies, negotiations, SB 2855, *Sub HB 880, CH. 272X
- School principals, assistants, powers, duties, SB 2855, *Sub HB 880, CH. 272X
- School superintendents, credentials, board determination, SB 2735
- School term, August commencement, SPI, funds allocation, *SB 3068, CH. 286X
- Student transfers, board of directors, rules, regulations, SB 2405, Sub SB 2405
- Student transfers, superintendent of public instruction, rules, regulations, SB 2824
- Students, employees, minimum wage law, exemption, SB 2562
- Tax reform, adequate revenues, support of vital services, equity, combination with other income, fully fund basic education, SB 2945
- Tax structure, single integrated plan, balanced revisions, SJR 118, SJR 123
- Title only, SB 2764, SB 2809, SB 2810, SB 2811, SB 2815, SB 2889, SB 3085
- Traffic safety courses, general revisions, *SB 2067, CH. 76
- Veterans' day, school program honoring, school day before, provision, *SB 2831, CH. 120X

EDUCATION BOARD - STATE

- Admission qualifications, preschool kindergarten, first grade, rules adoption authorized, HB 358, SB 2269
- Common school construction fund, appropriation allocation limitation, *SB 2570, CH. 89X
- Educational clinics, proprietary, dropouts, certification, services, fees, state aid authorized, *2nd Sub SB 2232, CH. 341X
- Educational clinics, proprietary, dropouts, certification, services, fees, state aid authorized, appropriation, Sub SB 2232
- Educational clinics, proprietary, services, state aid authorized, SB 2232
- Educational service districts, authority delegation, *Sub SB 2810, CH. 283X
- Educational service districts, basic core services, designated, budget purposes, Sub HB 681
- Educational service districts, board members, elected by school directors, provisions, SB 2320

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

EDUCATION BOARD - STATE—cont.

- Educational service districts, powers, duties expanded, Sub HB 681
- Educational service districts, powers, duties, provisions, SB 2321
- Members, actual expenses incurred, reimbursement provision, SB 2223
- Preschool education advisory committee, created, board rules, authorized, SB 2847
- Schools, funds, plant facilities, allocation, statutory direction, *Sub SB 2889, CH. 227X

EDUCATIONAL SERVICE DISTRICTS

- Authority, delegated from superintendent of public instruction, *Sub SB 2810, CH. 283X
- Board, members, election, terms, *Sub SB 2810, CH. 283X
- Books, equipment, surplus, private schools availability, written notice, Sub SB 2372, *Sub HB 656, CH. 303X
- Budgets, basic core uniform services, superintendent of public instruction, preparation, *Sub SB 2810, CH. 283X
- Contracts, term specified, *SB 2160, CH. 210X
- Core services, basic, designated, budget purposes, Sub HB 681
- In-service training act, enacted, *Sub HB 470, CH. 189X
- Learning objectives program, grades 9–12, inclusion, planning, development, provisions, SB 2952
- Learning objectives program, grades 9–12, inclusion, planning, development, appropriation, Sub SB 2952
- Powers, duties expanded, Sub HB 681
- Regional agencies, school districts, basic care uniform services, *Sub SB 2810, CH. 283X
- Superintendent, employment authorized, *Sub SB 2810, CH. 283X
- Superintendent, review committee, established, membership, *Sub SB 2810, CH. 283X

ELECTIONS (See also Voters and Voting)

- Absentee ballots, failure to file original registration thirty days before election, application provision, issuance permitted, HB 47
- Ballot propositions, legislative information permitted, SB 2455
- Ballots, absentee, certain, received 8:00 p.m. election day, required, SB 2461
- Ballots, duplicate voting cards, provisions, SB 2515
- Ballots, primary, general, types, contents, paper, card, voting machines, voting devices, tallying, general revisions, SB 2034, *Sub SB 2034, CH. 361X
- Candidates, conventions, nominations, partisan public offices, procedures, *Sub SB 2034, CH. 361X
- Candidates, indigent, public office, filing fees, waiver determination, poverty level income standards established, Sub SB 2739
- Candidates, indigent, public office, filing fees, waiver determination, standards established, SB 2739
- Costs, counties, payment authorized, appropriation, Sub HB 1033
- County commissions, certain large counties, membership increase, ballot proposition, provisions, Sub HB 79
- County legislative authority members, office terms, certificates, provisions, HB 746

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ELECTIONS (See also Voters and Voting)—cont.

- County seat relocations, petitions, public funds expenditure, acknowledgement, SB 2566
- Districts, special purpose, assessment, uniform election procedures, SB 2109
- Election laws, general revisions, SB 2034, *Sub SB 2034, CH. 361X
- Judges, nonpartisan election laws, proposed new judicial article, implementation provisions, SB 2937
- Laws, technical changes, SB 2860
- Library districts, cities, towns, 8,500 or less population, annexation procedure, tax levy, *Sub HB 936, CH. 353X
- Local improvement districts, utility, election, petition, twenty-five percent of qualified electors, provisions, SB 2173
- Political advertising, false information, dissemination unlawful, SB 2746
- Political campaign advertising, candidates, signed endorsement cards, authorization requirements, SB 2738, Sub SB 2738
- Precincts, establishment composition, SB 2356, *Sub SB 2356, CH. 128X
- President, United States, electoral college, electors, mandatory vote pledge required, violation, penalty, *SB 2563, CH. 238X
- Primary, ballots, candidates name rotation, eliminated, SB 2370
- Primary, candidates, courts, supreme, superior, appeals, two or less, general election, provisions, SB 2466
- Primary, open, established, SB 2287
- Primary, presidential preference, established, SB 2278
- Primary, presidential preference, provisions, 2nd Sub HB 282
- Primary, seventh Tuesday immediately preceding general election or third Tuesday in September, which ever occurs first, Sub HB 219
- Public utility district commissioners, election, nomination by petition, or by primary election if more than two candidates file, provisions, SB 2142
- Public utility district commissioners, non-partisan election laws, conformation, *HB 35, CH. 53
- Punch card ballots, voting, general revisions, Sub HB 204
- Recall, public officials, procedures, expanded, SB 2031
- Registered voters, state-wide computer tape, duplicate free copy, statute law committee, *SB 2678, CH. 226X
- School director districts, director, provisions, SB 2191
- Senators, United States, vacancies, provisions, HB 588
- Title only, SB 2878, SB 2879, SB 2883, SB 2884, SB 2980
- Voter's pamphlets, false statements, gross misdemeanor, SB 2457
- Voter's pamphlets, odd-numbered year elections, preceding presidential elections, precinct caucus, convention process, political parties, methods to nominate candidates for president, explanation section provision, *Sub HB 209, CH. 56
- Voters, registration, post card, system, established, Sub HB 227

ELECTORAL COLLEGE

- Presidential vote, electors, mandatory pledge required, violation, penalty, *SB 2563, CH. 238X

ELECTRICITY, ELECTRICIANS, ELECTRICAL POWER

- Appeals board, abolished, records transferred, department of labor and industries, HB 64
- Contractors, exemption from registration, provision, SB 2093

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ELECTRICITY, ELECTRICIANS, ELECTRICAL POWER—cont.

- Contractors, persons working on own property not for sale, rent, lease, license not required, SB 2216
- Electric companies, drought emergency, temporary tax exemption, provisions, SB 3026
- Examiners board, personnel increase recommendation, *SB 2443, CH. 79X
- Exemption from registration, removed, SB 2093
- Gas and electric companies, title only, SB 2814, SB 2820
- Residential utility action group, created, powers, duties, SB 2514
- Thermal power electric generating facilities, federal, utility privilege tax distribution formula, *Sub HB 3, CH. 366X

ELECTRONIC EQUIPMENT AND DEVICES (See also Date Processing)

- Fund transfer systems, point of sale terminals, commercial merchandise, service establishments, authorized, checking, loan accounts, access, SB 2776
- Fund transfer systems, point of sale terminals, commercial merchandise, service establishments, authorized, checking, loan, savings accounts, access, Sub HB 685
- Funds, public, state treasurer, electronic transference authorized, SB 2258
- Private communications, recording conditions, *SB 2419, CH. 363X
- Private communications, recordings, court orders, applications, inventory, requirements, *SB 2419, CH. 363X
- Private communications, recordings, criminal, tortious acts, purposes, prohibited, SB 2925
- Savings and loan associations, checks, negotiable orders of withdrawal, provisions, SB 2774
- Telephone devices, toll charge evasion, possession, felony, *HB 580, CH. 42X
- Trial proceedings, superior courts, electronic recordings, permitted, specified exceptions, SB 2297

ELECTRONICS – TELEVISION AND RADIO

- Trial proceedings, superior courts, electronic recordings, permitted, specified exceptions, SB 2297

ELEVATORS

- Regulation, construction, maintenance, alteration, repair, title only, SB 2797

ELK

- Dogs, pursue, injure, unlawful, *HB 280, CH. 275X

ELLIS, ED

- Yakima valley community college, trustees board, member, GA 100, confirmed pp. 975, 1132, 2058

ELLSWORTH, DAVID

- Centralia community college, trustees board, member, GA 109, confirmed . . . pp. 977, 987, 1075

EMBALMERS AND EMBALMING

- Funeral directors, embalmers board, established, licensing, regulations, *SB 2286, CH. 93X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

EMERGENCIES AND EMERGENCY SERVICES

- Blood withdrawal, motor vehicle operators, alcohol determination purposes, by qualified persons, liability exemption, *HB 313, CH. 143X
- Catalytic converters, emergency vehicles, removal permitted, *HB 1232, CH. 264X
- Cloud seeding, emergency water shortages, appropriation, *SB 2561, CH. 3
- Emergency medical and ambulance review committee, membership appointment provision, HB 595
- Emergency medical service districts, establishment, excess levy provisions, SB 2834
- Emergency services advisory board, abolished, records transferred, emergency services department, HB 64
- Emergency technicians, physician trained, intravenous therapy, airway management, certification, qualifications, provisions, SB 2178, *Sub HB 181, CH. 55
- Energy emergency, supply alert, gubernatorial declaration authority, *Sub HB 928, CH. 328X, P.V.
- Energy technical advisory council, created, energy emergency powers, procedures, SB 2865
- Governor, powers, duties, restatement, *Sub HB 928, CH. 328X, P.V.
- Medical aid fund, labor and industries, emergency medical care, transportation charges, maximum charges payable, fee bill inclusion, SB 3044
- Volunteers, local government, minimum wage, exempt, provisions, SB 2080

EMINENT DOMAIN

- Attorneys, fees, professional responsibility code established, HB 397, SB 2298
- Compensation requirement, property condemnation, Sub HB 318
- Property, damage claims, attorneys, expert witnesses, fees allowed, SB 2334, *HB 445, CH. 72X
- Property, real, subject to condemnation, gift to state or political subdivision, owner advised, acquisition provisions, Sub HB 318
- Property, real, subject to condemnation, gift to state or political subdivision, permitted, SB 2026

EMISSION CONTROLS

- Catalytic converters, emergency vehicles, removal permitted, *HB 1232, CH. 264X

EMPLOYEES (See also Public Employees)

- Aliens, employment obsolete restrictions repealed, HB 143, *SB 2097, CH. 16X
- Aliens, illegal, employment prohibited, SB 2571
- Budget, employees, officers, certain, budgetary violations, certain cases, civil penalty, established, SB 2168, *HB 236, CH. 320X
- Campaign contributions, employer, labor unions, collections prohibited, SB 3035
- CHAP, combined health agencies program, public employees, wage deductions allowed, SB 2240
- Civil service system, merit principles enumerated, number of applicants, highest qualified, increased, provision, SB 2388
- Civil service systems, state personnel, higher education, consolidated, SB 2355
- Civil service training, career development program, provisions, appropriation, 2nd Sub HB 63
- Classified, meritorious performance, additional compensation, provision, SB 2016

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(a) Amendment to original bill.

SR Senate Resolution.

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EMPLOYEES (See also Public Employees)—cont.

- Collective bargaining, public employees, counties, law enforcement officers, court personnel, district, juvenile, municipal, port districts, law enforcement officers, included, HB 85
- Community college employees, working outside state's boundaries, higher education personnel law, exemption, *HB 927, CH. 94X
- Dental care, state employees' insurance board, state patrol commissioned officers, inclusion, SB 2850
- Facility closures, relocation expenses, compensation benefits, provisions, SB 2663
- Fair campaign practices act, enacted, SB 2513, Sub SB 2513
- Forced overtime, limitations, SB 2999
- Health care, state employees' insurance board recreated, single plan, SB 2851, *Sub SB 2851, CH. 136X
- Higher education, educational employees, collective bargaining, provisions, HB 59
- Industrial insurance, laws, revisions, SB 2367, *Sub HB 604, CH. 323X
- Industrial insurance, "workman", term changed to "worker", *HB 49, CH. 350X, P.V.
- Labor-management relations act, enacted, SB 2920
- Metro, public transportation functions, use only, SB 2733
- Minors' work permits, wages, revisions, SB 2998
- Motion picture projectionists, overtime pay exception, *HB 553, CH. 74X
- Motor vehicles, public, marking not in accordance to law, public officers, certain, civil penalty, assessment provisions, HB 210
- Nursing homes, nursing care, rate reimbursement, SB 2351
- Personal services contracts, outside employment, state employees, public disclosure reports, required, provisions, SB 2326
- Railroad, injury, death, railroad responsibility provisions, SB 2187
- Railroad, motor vehicle transportation, regulatory provisions, *HB 240, CH. 2X
- Railroad, safety inspections, duties transferred to labor and industries department, HB 429
- Railroad, working conditions, safety, health purposes, provisions, SB 2094
- Retirement allowances, public employees, state patrol, group insurance policies, deductions authorized, *HB 778, CH. 256X
- Retirement, public employees' system, military credit provisions, five year maximum, SB 2231
- School, collective bargaining, impasse mediation, fact finding, arbitration procedures, revised, SB 3045
- School districts, first class, collective bargaining rights, SB 2449
- School districts, rights, strikes, work slow downs, other activities, provisions, SB 2442
- School districts, title only, SB 2888
- Schools, students, minimum wage law, exemptions, SB 2562
- Seasonal workers, agricultural fairs, minimum restriction removed, *SB 2251, CH. 4X
- Sheriff's office, civil service, appointment procedures modified, unclassified positions, authorized, provisions, SB 2112, Sub SB 2112
- Train, maximum hours of service, reduced, *SB 2126, CH. 70
- Unemployment compensation benefits, voluntarily leaving work, without good cause, eligibility determination, SB 2614

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

EMPLOYEES (See also Public Employees)—cont.

- Wages, permissible deductions, limitations, SB 2380
- Working conditions, laws, general revisions, SB 2997

EMPLOYERS

- Campaign contribution, employee collections, prohibited, SB 3035
- Collective bargaining, successor clause agreement, binding, successor employer, provisions, SB 2027
- Forced overtime, limitations, SB 2999
- Labor-management relations act, enacted, SB 2920
- Longshoremen's, harbor workers' compensation act, labor and industries department, employers, insurance against liability, provisions, fund designated, appropriation, HB 793, SB 2395
- Minors' work permits, wages, revisions, SB 2998
- Musical instruments, sound equipment, employee's, employer's premises, safeguard provision, SB 2135
- Public, collective bargaining agreement, public employer, rules and policies, subordinate, provisions, HB 10
- Public, non-partisan campaigns, participation permitted, provisions, HB 186
- Salaries, wages, local government employees, direct bank deposits permitted, *Sub HB 512, CH. 269X
- Unemployment compensation, contributions, temporary surcharge, *Sub HB 563(a), CH. 33X
- Wages, obligation, employers, private, public failure to pay, penalty increased, SB 2137

EMPLOYMENT

- Agencies, defined, contracts, bonds, license qualifications, fees, complaints, legal status, *SB 2263, CH. 51X
- Aliens, illegal, employment prohibited, SB 2571
- Aliens, statutes, obsolete restrictions repealed, HB 143, *SB 2097, CH. 16X
- Baby sitting referral services, employment agency definition, exclusion, HB 838
- Civil service system, merit principles enumerated, number of applicants, highest qualified, increased, provision, SB 2388
- Educational employment relations, bargaining units, supervisory employees removed, SB 2971
- Faculty, other employees, "retired", over age seventy, higher education institutions, reemployment, *HB 584, CH. 276X
- Forced overtime, limitations, SB 2999
- Handicapped, disabled persons, priority services, employment security department, established, SB 3029, *HB 1153, CH. 273X
- Handicapped persons, work, sums increased, SB 2403
- Human rights commission, laws, revisions, SB 2482
- Job training, employment referral program, vocationally disabled persons, certain agencies, provisions, Sub HB 305
- Labor-management relations act, enacted, SB 2920
- Minors' work permits, wages, revisions, SB 2998
- Public employees retirement systems, title only, SB 2587, SB 2590
- Public employment relations commission, members, terms, powers, modified, SB 3043
- Railroad employees, maximum hours of service, reduced, *SB 2126, CH. 70

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- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

EMPLOYMENT—cont.

- School employees, certificated, contract status, adverse change, hearings procedures, attorney's fees, SB 2245, *Sub SB 2245, CH. 7X
- Unemployed, employable persons, general assistance, continuation provisions, SB 2876
- Unemployment compensation, felony conviction, disqualification, *Sub HB 563(a), CH. 33X
- Unemployment compensation, benefits, general provisions, revisions, SB 2227
- Unemployment compensation, benefits maximum weekly amount, percentage increased, SB 2226
- Unemployment compensation, emergency tax rate, tax base revisions, *Sub HB 563, CH. 33X
- Unemployment compensation, federal law compliance, coverage, contribution rates, *SB 2480, CH. 292X
- Unemployment compensation, felony conviction, disqualification, *Sub HB 563, CH. 33X
- Unemployment compensation, labor dispute disqualifications, extended, exemption provisions, *Sub HB 563, CH. 33X
- Unemployment compensation, laws, general revisions, *SB 2480, CH. 292X
- Unemployment compensation, laws, revisions, SB 2943
- Unemployment compensation, misconduct: discharges, maximum disqualification provisions revised, *Sub HB 563, CH. 33X
- Unemployment compensation, revisions, SB 2944
- Unemployment compensation, student disqualification, *Sub HB 563(a), CH. 33X
- Unemployment compensation, voluntary quits, maximum disqualification provisions revised, *Sub HB 563, CH. 33X
- Working conditions, laws, general revisions, SB 2997
- Youth service corps, employment security department, created, *SB 2069, CH. 83X

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- Administrative contingency fund increased, SB 2425
- Handicapped, disabled persons, priority services, established, SB 3029, *HB 1153, CH. 273X
- Job training, employment referral program, vocationally disabled persons, provisions, Sub HB 305
- Jurors, unemployment compensation benefits insured, SB 2303
- Records, access, disclosure, confidentiality regulations, *SB 2426, CH. 153X
- Unemployed, employable persons, general assistance, continuation provisions, SB 2876
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- Unemployment compensation, benefits increased, *Sub HB 563, CH. 33X
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(a) Amendment to original bill.

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- Unemployment compensation, student disqualification, *Sub HB 563(a), CH. 33X
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- Youth service corps, created, *SB 2069, CH. 83X

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- Alternative resources, title only, SB 2145
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- Conservation, devices, materials, title only, SJR 116
- Conservation, program development, update, statewide, directed, Sub SB 2818
- Conservation, services, materials, state, local government, lending of credit, permitted, Sub SJR 116
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- Drought, emergency water bond redemption fund, created, general obligation bonds, issuance, authorized, appropriation, Sub SB 2632, 2nd Sub SB 2632
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- Emergencies, legislative bills, consideration dates, extended, HCR 25
- Emergency allocation, title only, SB 2151
- Emergency, curtailment permitted, title only, SB 2147
- Emergency supply alert, gubernatorial declaration authority, *Sub HB 928, CH. 328X, P.V.
- Facility site evaluation council, applications, county plans, zoning ordinances, location agreements, compliance procedures, SB 2555
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- Facility site evaluation council, efficient operation, title only, SB 2148
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- Facility site evaluation council, liquified petroleum gas facilities certain, selection, included, SB 2491

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(a) Amendment to original bill.

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- Liquified petroleum gas, facilities, certain, facility site evaluation council, selection, included, SB 2491
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- Nuclear energy joint committee, redesignated, energy and utilities joint committee, membership increased, energy emergencies, *Sub HB 928, CH. 328X, P.V.
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- Thermal efficiency performance standards, building code, inclusion, Sub SB 3080
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(a) Amendment to original bill.

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ENLOW, FRED C.

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(a) Amendment to original bill.

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FARLAND, KENNETH A.

Lower Columbia community college, trustees board, member, GA 19, confirmed pp. 137, 245, 298

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- Family farm water act, permits, provisions, alternative to initiative 59, referendum provision, *Sub HB 1120, CH. 357X
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- Farmland, open space classification, benefits assessments, payment, delay, owner's request, allowed, 2nd Sub HB 766
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(a) Amendment to original bill.
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- Drought relief, water projects, cost-sharing grants, retroactive applications, petitioned, *SJM 110
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- Federal programs, requirements, new, changed, legislative review, financial impact determination, required, SCR 119
- Fisheries, court decisions, affect, SB 3071, Sub SB 3071
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- Motor vehicles, operators, federal officials, federal installations, statutes updated, *SB 2057, CH. 3X
- Natural gas, British Columbia increased prices, Oregon, California conference petitioned, HJM 15
- Public work grants, Indian tribes, separate allocation, funding changes petitioned, SJM 104
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Candidates, indigent, public office, filing fees, waiver determination, standards established, SB 2739

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- Instruments, county, increased, *SB 2314, CH. 56X
- Insurance, bonds, licensees, increased, *HB 1260, CH. 182X
- Jury, collections established, *HB 414, CH. 248X, *SB 2300, CH. 53X
- Land development representative registration, real estate broker, issuance, retention, *SB 2315(a), CH. 24X
- Liens, internal revenue service, county auditor filing fees, increased, prepayment requirement removed, *SB 2106, CH. 62
- Medical care, title only, SB 2902
- Mobile homes, taxes, title only, SB 2793
- Motor vehicles, licenses, titles, inspection fee, reduced, SB 2256
- Motor vehicles, operators, license, highway safety, general funds allocation, SB 2256, *HB 110, CH. 27
- Motor vehicles, propane users, license fees in lieu of special fuel tax, *SB 2825, CH. 335X
- Motor vehicles, proportional registration agreement, international registration plan authorized, *SB 2189(a), CH. 92X
- Nonprofit organizations, securities registration exemption, filing, *Sub HB 340, CH. 188X
- Pharmacists, registered, nonpracticing, biennial renewal provision, Sub HB 684
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- Pharmacists, registration, annual renewal, pharmacy board determination, penalty provision, Sub HB 684
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- Pilots, ships, license requirements, *SB 2042, CH. 337X, P.V.
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- Prophylactic vendors, annual licenses, late renewals, penalty assessment authorized, Sub HB 1194
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- Salmon enhancement program, purposes, priorities, specified charter, commercial, privilege fees, increased, anadromous license required, penalty, *3rd Sub HB 1188, CH. 327X
- Schools, cultural, social, recreational athletic events, low income persons, age sixty-five or older, reduced, waived, *HB 583, CH. 170X
- Schools, employees, certificated, contract status, adverse change, hearings procedures, attorneys, allowed, SB 2245, *Sub SB 2245, CH. 7X
- Schools, residential, state, nonresident persons, costs, payment in advance provision, SB 2391
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(a) Amendment to original bill.

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- Speech pathologists, licensing, regulation, SB 2050, *2nd Sub HB 391, VETOED
- State parks, marine, moorage fees, permitted, Sub HB 44
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- Bomb threats, governmental property included, penalty increased, *Sub SB 3105, CH. 231X
- Controlled substances, penal institution residents, possession, prohibited, *SB 2002, CH. 43X
- Convicted persons, statement, facts of crime, prison terms, parole board, required, Sub HB 857, SB 2852
- Conviction, second, certain, confinement provisions, SB 2368
- Criminal records privacy act, enacted, SB 2608, *Sub SB 2608, CH. 314X
- Death penalty procedures, general provisions, revisions, SB 2001, *Sub HB 615, CH. 206X
- Death penalty procedures, two-tiered, guidance, jury, sentencing proceedings, *Sub HB 615, CH. 206X
- Defendants, commitment, summary probation authorized, provisions, SB 2951
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- Recidivist, minimum punishment, established, SB 2003
- Sentences, felons, alternatives, offender maintenance payments, funds, use, provisions, SB 2926
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- Sentencing reform act, revisions, SB 3078
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- Telephone devices, toll charge evasion, possession, *HB 580, CH. 42X
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FERNALD, DR. ROBERT

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(a) Amendment to original bill.

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- Construction, improvement, general obligation bonds, issuance authorized, principal interest payments, motor vehicle, special fuel excise taxes, appropriation, *Sub HB 980, CH. 360X
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- Motor vehicle excise taxes, increased, revenues, Puget Sound capital construction account, *Sub SB 2522(a), CH. 332X
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- Cultural facilities, general obligation bonds, planning, acquisition, construction, remodeling, equipping, improvement, excavation, conservation, restoration, preservation, redevelopment, authorized, SB 2940
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(a) Amendment to original bill.

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- Ferries, terminal construction, improvement, general obligation bonds, issuance authorized, principal interest payments, motor vehicle, special fuel excise taxes, appropriation, *Sub HB 980, CH. 360X
- Fisheries department, capitol projects, general obligation bonds, bond anticipation notes, issuance authorized, *SB 2272, CH. 344X
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- Higher education, limited obligation bonds, certain, refund with general obligation bonds, revenue bond retirement funds and reserves, transfers, *Sub HB 1265, CH. 354X
- Investment authority, retirement systems director, co-responsibility, PERS, LEOFF, TRS, state patrol, judicial, judges, retirement system funds, Sub HB 620
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- Parking garage, visitors, state library parking lot site, construction, general obligation bonds, bond anticipation notes, issuance authorized, appropriation, HB 716
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- Social and health services department, facilities, capital improvements, general obligation bonds, bond anticipation rates, issuance authorized, SB 2235, *Sub SB 2235, CH. 342X
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- Washington futures program, waste disposal, bond issuance period extended, *HB 195, CH. 242X
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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

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- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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- (a) Amendment to original bill.
- SR Senate Resolution.
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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- Medical treatment, emergency, superior court authorization, procedures, SB 3057
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(a) Amendment to original bill.

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- Physicians' assistants, industrial insurance, services authorized, *Sub SB 3044, CH. 239X
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

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- Signs, roadside area information panels, permitted, *HB 933, CH. 258X
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- Transportation department, created, certain agencies abolished, powers, duties transferred, Sub HB 718, SB 2924, *Sub SB 2924, CH. 151X, P.V.
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- Trucking industry, UTC, empty backhaul study, regulatory authority extended, energy conservation factors, Sub HB 1146
- Weight limits, certain increased, *SB 2374, CH. 81

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- Classifications, functional, establishment, commission directed, *SB 2485, CH. 130X
- Closure, traffic restrictions, methods, modified, *SB 2486, CH. 216X
- No. 20, vicinity Okanogan, location clarification, SB 3050
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- No. 290, Spokane, extended, *SB 2378, CH. 6X
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- Archaeology and historic preservation, division, created, duties transferred from parks and recreation commission, *Sub HB 70, CH. 195X
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- Bonds, general obligation, planning, acquisition, construction, remodeling, equipping, improvement, excavation, conservation, restoration, preservation, redevelopment, authorized, SB 2940
- Indian artifacts, label requirements, prior to sale, provisions, SB 2237
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- Preservation officer, duties, *Sub HB 70(a), CH. 195X
- Structures, agency housing, consideration, use, parks, recreation commission, identification, general administration department, preference, provisions, *SB 2512, VETOED
- Structures, agency housing, consideration, use, state conservator, identification, general administration department, preference, provisions, HB 73
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- Structures, fire stairs, elevators, code provisions, Sub HB 76

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(a) Amendment to original bill.

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- Structures, historically significant, improvements, six year property tax exemption, Sub HB 71
- Structures, sites, buildings, improvements, state conservator approval required, arbitration provisions, Sub HB 74
- Structures, sites, historically significant, improvements, six year property tax exemption, SB 2468
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- Whatcom community college, trustees board, member, GA 70, confirmed pp. 834, 850, 917

HODDE, CHARLES W.

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- Central Washington state college, trustees board, member, GA 117, confirmed pp. 1014, 1022, 1076

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- Floating, school employees, short term non-classified employees of institutions of higher education, excluded, *Sub SB 2399(a), CH. 111X
- Legal, public employees, permanently employed, paid compensation, authorized, SB 2859
- School, title only, SB 2892
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HOLLISTER, DR. ROBERT

- State retirement systems, director, GA 8, confirmed pp. 58, 308, 358

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- Cities, towns, counties, units, increased powers, authorized, SJR 111

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- Homemaker/home health services program, contracting agencies, personnel, certification provisions, SB 2047

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- Displaced, multipurpose service centers, pilot project, established, SB 2770

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(a) Amendment to original bill.

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Homemakers, displaced, multipurpose service centers, pilot project, established, SB 2770

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Tree fruit research center, facility, bond issuance limitations, federal income tax exemption determination, occupancy requirement, *SB 2225, CH. 32

Tree fruit research center, facility, revenue bonds issuance alternatives, state treasurer loan authorized, rental income deposit requirement, *SB 2225, CH. 32

Trees, soft fruit, certain, assessments increased, SB 2447, CH. 8X

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Blood withdrawal, motor vehicle operators, alcohol determination purposes, by qualified persons, liability exemption, *HB 313, CH. 143X

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(a) Amendment to original bill.

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- Natural death act, enacted, 2nd Sub HB 252, SB 2477, Sub SB 2477
- Northern state, social and health services department, development, program use, minimum security correction facility, adult offenders, transferred, SB 2280
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- Podiatrists, rules, clinical privileges, rules adoption, required, Sub SB 2239
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- Proprietary profit-making, rate base, actual investment, current fair value of investment, election provision, *SB 2061, CH. 154X
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- Railroad employees, maximum service, reduced, *SB 2126, CH. 70

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- Energy alternative source conversion devices, sales, use taxes, exemption, Sub SB 2186
- Historic structures, agencies, consideration, use, parks, recreation commission, identification, general administration department, preference, provisions, *SB 2512, VETOED
- Historic structures, agencies, consideration, use, state conservator, identification, general administration department, preference, provisions, HB 73
- Migrant workers, Yakima county, continued operation authorized, *SB 2667, CH. 287X
- Public housing authorities, mortgage loan purchase, authorized, rehabilitation, rentals, sales, loans, low income persons, bond sales, revisions, *Sub HB 1213, CH. 274X
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- Solar heating equipment, used in new construction, energy savings improvements, sales, use tax exempt, SB 2186
- Thermal design standards, residential construction, certain, established, *HB 98, CH. 14X
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HUBBARD, WALTER T.

- Prison terms, paroles board, member, GA 44, confirmed. . pp. 234, 882, 931-932

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(a) Amendment to original bill.

SR Senate Resolution.

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Commerce, freedom from discrimination, right expanded, SB 2906, Sub SB 2906, *Sub HB 798, CH. 192X

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Bears, cougars, hunting, trapping, closed season, prohibited, SB 2345, *Sub HB 277, CH. 44

Bears, cougars, possession, closed season, prohibited, SB 2346

Dogs, pursuing deer, elk, unlawful, *HB 280, CH. 275X

Game animals, birds, fish, taking, to maximize public recreational opportunities, game commission determination, SB 2343, *HB 262, CH. 74

Game law fines, bail forfeitures, distribution, HB 275, *SB 2344, CH. 59X

Game seasons, special, drawing, time, place, game director authority, HB 279, *SB 2341, CH. 58X

Licenses, acquisition, possession, using false information, after revocation, prohibited, SB 2342

Trapping license granting, instructional course prerequisite, SB 2340, *HB 274, CH. 43

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IDENTIFICATION CARDS

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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(a) Amendment to original bill.
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(a) Amendment to original bill.

SR Senate Resolution.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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- (a) Amendment to original bill.
- SR Senate Resolution.
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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- (a) Amendment to original bill.
- SR Senate Resolution.
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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- Depositaries, public, "maximum liability" revised, *HB 691, CH. 95X
- Dogs, pursuing deer, elk, unlawful, *HB 280, CH. 275X
- Forest fires, litigation, court costs, attorneys' fees, *HB 298, CH. 102X
- Health care practitioners, civil immunity, charging others with incompetency, granted, *SB 2071(a), CH. 68
- Insurance, uninsured, underinsured motorist coverage, issuance, limits of insured motor vehicle, purchaser's option, permitted, *Sub HB 1348, VETOED
- Landowners, any recreation lands, facilities, liability, HB 356
- Livestock, theft, injury, destruction, civil action, treble damages, attorney's fees, *Sub HB 678, CH. 174X
- Longshoremen's, harbor workers' compensation act, labor and industries department, employers, insurance against liability, provisions, fund designated, appropriation, HB 793, SB 2395
- Motor vehicle operators, accident insurance, financial responsibility deposit, requirements increased, Sub SB 2306
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- Motor vehicle operators, licenses, application, renewal, financial responsibility proof, required, SB 2224
- Parental, personal injury by minors, established, *HB 444, CH. 145X
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- Persons bitten by dogs, determination, HB 635
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- Railroads, bridges, trestles, walkways, handrails, unsafe condition determination, liability, nonrailroad persons, *Sub SB 2125, CH. 46X
- Risk management office, general administration department, created, duties, *Sub HB 531, CH. 270X
- Ski resort operators, insurance, safety, sign system requirements, *Sub SB 2975, CH. 139X
- Ski resort operators, liability, title only, SB 2975
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- Book purchases, state aid, allocation criteria, appropriation, SB 2266
- Districts, cities, towns, 8,500 or less population, annexation procedure, tax levy, *Sub HB 936, CH. 353X
- Districts, thermal power electric generating facilities, federal, utility privilege tax distribution formula, *Sub HB 3, CH. 366X
- State library, personal service contracts, legislative budget committee, reports, provisions, Sub HB 1323
- State library, reports, publications, printing, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X

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- Out-of-state, new state residents, reciprocal basis, permitted, SB 2676
- Transporter plates, misuse, penalties prescribed, *HB 733, CH. 254X

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- (a) Amendment to original bill.
- SR Senate Resolution.
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- Accountants, public, examinations, fees, SB 3049
- Acupuncture, practice, physicians, osteopaths assistants, regulations, *SB 2172, CH. 233X
- Agricultural commodities, "historical depositor", "put through", defined, Sub HB 1131
- Agricultural commodities, storage, subterminal warehousing, defined, fees, regulations, Sub HB 1131
- Audiologists, regulation, fees, SB 2050, *2nd Sub HB 391, VETOED
- Automobile dealers, crimes related to auto industry, adjudged guilty, provisions, SB 2244, *Sub SB 2244, CH. 125X
- Automobile repair, dealers, licensing, regulation, responsibility act, SB 2252
- Beer wholesalers, license application, geographical territory designated, SB 2556
- Blind persons, anadromous salmon fishing, exemption, *3rd Sub HB 1188, CH. 327X
- Boating safety, watercraft operation, registration, licensing, parks and recreation commission, appropriation, SB 3022
- Boating safety, 1971 federal act, parks and recreation commission, implementation required, Sub HB 1254
- Boats, ships, over 12 feet, juveniles, age 12-16, operator's license, required, SB 2028
- Boats, ships, over 12 feet, operator's license required, SB 2028
- Business corporations, delinquent fee regulations, provisions, SB 2992
- Business corporations, filing requirements revised, SB 2993, *HB 842, CH. 193X
- Business registration and license center, motor vehicles department, established, duties, *Sub HB 120(a), CH. 319X
- Business registration and license center, motor vehicles department, established, duties, appropriation, *Sub HB 120, CH. 319X
- Charter boats, licenses, moratorium, provisions, appropriation, SB 2347
- Charter boats, salmon, license moratorium, *2nd Sub SB 2104, CH. 106X
- Collection agencies, suspensions, civil, monetary penalties authorized, *HB 828, CH. 194X
- Commodities, storage, subterminal warehousing, defined, license fees, regulations, Sub HB 1131
- Contractors, registration, certificates, renewal date, *SB 2384, CH. 61X
- Contractors, registration, fees, increased, *SB 2769, CH. 66X
- Cosmetology, health certificate requirement removed, *HB 649, CH. 310X
- Cosmetology, schools, shops, facilities requirements, *HB 649, CH. 310X
- Crab fishing, commercial, issuance procedures, SB 3070
- Day care centers, adult, licensing provisions, Sub HB 320
- Dental disciplinary board act, enacted, *Sub HB 23, CH. 5X
- Dentists, out-of-state, military, reciprocity authorized, SB 2497
- Denturists, provisions, SB 2220
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(a) Amendment to original bill.

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- Electrical contractors, persons working on own property not for sale, rent, lease, license not required, SB 2216
- Employment agencies, defined, contracts, bonds, license qualifications, fees, complaints, legal status, *SB 2263, CH. 51X
- Engineers, surveyors, professional, registration, practice, provisions revised, SB 2954
- Entertainment, supply advertising materials to licensees, allowed, SB 2862
- Escrow officers, regulation, fee, branch offices, SB 2197, *Sub SB 2197, CH. 156X
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- Farm vehicle license application, farmer signature not required, *HB 106, CH. 25
- Fisheries policy, new, established, SB 3024, Sub SB 3024
- Fishing, hunting, acquisition, possession, using false information, after revocation, prohibited, SB 2342
- Forklifts, motor vehicle requirement, exemption, *HB 921, CH. 148X
- Fuel dealers, special, license revoked, new issuance, penalty payment required, *HB 108, CH. 26
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- Gambling activities, charitable organizations, employees, salaries, expenses establishment, *HB 1133(a), CH. 326X
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- Health care providers, contract arbitration procedures, SB 2247
- Hunting, fishing, acquisition, possession, using false information, after revocation, prohibited, SB 2342
- Identical cards, alteration, tampering, prevention processes, motor vehicles department, use, implemented, SB 2507, *HB 755, CH. 27X
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- Licensing, consumer affairs department, name change from motor vehicles department, powers, duties transferred, SB 2558
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- Liquor, class H, domestic wineries, adjacent facilities, authorized, SB 3036
- Liquor, class H, domestic wineries, restaurants, authorized, *Sub SB 3036, CH. 219X, P.V.
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(a) Amendment to original bill.

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- Liquor, master, persons owning more than one adjacent dining area, provisions, *Sub SB 3036, CH. 219X, P.V.
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- Massage regulations, revisions, SB 2353
- Moped operators, regulation, provisions, Sub HB 546
- Motor vehicles, dealers, furnishers of facilities, services, license requirement, *Sub SB 2244(a), CH. 125X
- Motor vehicles, financial responsibility proof required, SB 2224
- Motor vehicles, free annual license, former POW's, authorized, SB 2010
- Motor vehicles, international registration plan, adopted, provisions, *SB 2189, CH. 92X
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- Motor vehicles, operators, alteration, tampering, prevention processes, motor vehicles department, use, implemented, SB 2507, *HB 755, CH. 27X
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- Motor vehicles, operators, DWI, tests, refusal to take, evidence, used against, unless pleads guilty, HB 1164
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- Motor vehicles, operators, issuance, degree of alcoholism redefined, *SB 2199(a), CH. 162X
- Motor vehicles, operators, issuance, insurance, surety bond, proof required, SB 2822
- Motor vehicles, operators, occupational, implied consent revocation, suspension cases, issuance provisions, SB 3073
- Motor vehicles, operators, unlicensed, habitual traffic offenders, court jurisdiction, *HB 797, CH. 138X
- Motor vehicles, ownership, joint tenancy provisions, SB 2498
- Motor vehicles, propane gas users, fee in lieu of special fuel tax, *SB 2825, CH. 335X
- Motor vehicles, repair, dealer licensing regulation, responsibility act, SB 2281
- Motor vehicles, titles, inspection fee, reduced, SB 2256
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(a) Amendment to original bill.

SR Senate Resolution.

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- Salmon enhancement program, purposes, priorities, specified charter, commercial, privilege fees, increased, anadromous license required, penalty, *3rd Sub HB 1188, CH. 327X
- Salmon fishing, commercial, regulated licensing program, provisions, appropriation, SB 2104, Sub SB 2104
- Salmon fishing, regulated licensing program, limited entry board created, provisions, appropriation, SB 2103
- Securities registration exemptions, certain, license transfer fees established, damages defined, limitations of actions, *HB 618, CH. 172X
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- Small loan companies, fees increased, *SB 2453, CH. 150X
- Smelt, Columbia river, commercial fishing, application period extended, SB 3005
- Social workers, motor vehicle department, regulation, Sub HB 538, SB 2942
- Speech pathologist, regulation, fees, SB 2050, *2nd Sub HB 391, VETOED
- Suspension, summary, limitation provisions, SB 2750
- Transporter plates, misuse, penalties prescribed, *HB 733, CH. 254X
- Trapping, granting, instructional course prerequisite, SB 2340, *HB 274, CH. 43
- Veterans, certain disabled, free anadromous salmon fishing license, *3rd Sub HB 1188, CH. 327X
- Warm air heating, ventilation, air conditioning mechanics, regulation, requirements, SB 2564, Sub SB 2564
- Wineries, domestic, adjacent facilities, class H, authorized, SB 3036
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- Agricultural, commercial fertilizer, pesticide, application, claim filing time extended, SB 2333
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- Mobile homes, removal from state, notice given, taxes paid, termination, Sub HB 102, SB 2052, *Sub SB 2052, CH. 22X
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- (a) Amendment to original bill.
- SR Senate Resolution.
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- Hazards management study, oceanographic commission study, appropriation, *SB 3015, CH. 315X, P.V

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- Alcoholic beverages, sports arenas, race tracks, spectator seating area, hawking prohibited, SB 2741
- Beer wholesalers, license application, geographical territory designated, SB 2556
- Beer, wine, served in containers other than glasses, bottles, allowed, *SB 2175, CH. 9X
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- Charitable organizations, class H license holders, certain gambling activities, approval, *HB 1133(a), CH. 326X
- Control, title only, SB 3081
- Drinking, dining establishments, drinking area classification, state building code, SB 2107, *Sub SB 2107, VETOED
- Fund, revolving, disbursement, provisions, SB 2506, Sub SB 2506
- Incapacitated persons, restraint, treatment facilities, medical personnel, limited liability, *SB 2452, CH. 62X
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- Licenses, class H, domestic wineries, adjacent facilities, authorized, SB 3036
- Licenses, class H, domestic wineries, restaurants, authorized, *Sub SB 3036, CH. 219X, P.V.
- Licenses, class H, privately owned centers with facilities for sports, entertainment, conventions, issuance permitted, SB 2136
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- Manufacturers, entertainment, supply advertising materials to licensees, allowed, SB 2862
- Minors, licensed premises, after hours, permitted, *Sub SB 3036, CH. 219X, P.V.
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- Motor vehicle operators, driving while under influence, tests, refusal to take, evidence, used against, unless pleads guilty, HB 1164
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- Proof of age, identification, no reasonable doubt, licensee, not subject to any civil, criminal liability, penalty, SB 2932
- Public place, definition, licensed brewers, domestic wineries, adjacent areas, same ownership, exclusion provision, SB 3041
- Public place, definition, licensed brewers, domestic wineries, parks, picnic areas, same ownership, exclusion provision, Sub SB 3041
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- Wineries, wine wholesaling, permitted, SB 3013

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- Fairness in lending act, enacted, SB 2469, *Sub HB 323, CH. 301X
- Financial institutions disclosure act, enacted, SB 2469, *Sub HB 323, CH. 301X
- Industrial companies, financial statements, filing dates changed, Sub HB 732
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- Insurance, sales, solicitation, property insurance, extenders of credit, restrictions, *HB 386, CH. 61
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(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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- Juvenile court act in cases relating to dependency of a child and the termination of a parent and child relationship, enacted, *3rd Sub HB 371(a), CH. 291X
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- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

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- Licenses, annual, free, one vehicle, former POW'S, authorized, SB 2010
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- Operators, DWI, tests, refusal to take, evidence, used against, unless pleads guilty, HB 1164
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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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- Audiologists, licensing, fees, regulation, SB 2050, *2nd Sub HB 391, VETOED
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- Business registration and license center established, duties, *Sub HB 120(a), CH. 319X
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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- Toilets, pay, public places, sex discrimination prohibited, half of number available without charge, admission keys, availability, notice required, *Sub HB 675, CH. 97X
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- Generating construction projects, contracts, amendment authority, SB 2771, *HB 852, CH. 28X
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- Assistants, certification requirements, training board appointment, training advisory committees, local, regional establishment, provisions, SB 3063
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- Drugs, legend, prescriptions, written, oral, authorized, medical personnel, class broadened, *SB 2090, CH. 69
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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(a) Amendment to original bill.

SR Senate Resolution.

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- Transfer facility, construction, at or west of Port Angeles, certification, *Sub HB 743, VETOED
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- State gambling commission, member, GA 50, confirmed pp. 320, 939, 1064

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- Performing arts center, appropriation, stimulant federal, local matching funds, SB 3001

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- Disabled citizens, state office, created, duties, responsibilities, SB 3032

- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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 Farmland, benefit assessments, payment delay, owner's request, allowed, 2nd Sub HB 766

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Professional service corporation, physicians, psychologists, optometrists, allowed, HB 704
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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Bonds, acquisition, development, purposes, authorized, distribution provisions, legislative appropriation obligation, certain period, recognized, referendum provision, Sub SB 2203

Bonds, planning, acquisition, development, improvement, rehabilitation, preservation purposes, authorized, referendum provision, SB 2203

Guide, comprehensive, public parks, recreation sites, preparation, production, distribution provisions, HB 917, SB 2946

Mount Si conservation area, created, appropriation, *Sub HB 837, CH. 306X

Natural area preserves, state system, natural resources department, plan development, referendum provisions, SB 2203

Performing arts center, Olympia, appropriation, stimulant federal, local matching funds, SB 3001

Performing arts park, vicinity Federal Way, property, 30 acres, gift, acceptance authorized, construction appropriation, contingent upon receipt of federal funds, HB 777

Scenic river system, creation, management, HB 1191, *SB 3002, CH. 161X

State parks, urban areas, planning authorized, Sub HB 43

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Adoption, parental consent, procedures, notice, father, child born out of wedlock, provisions, SB 2434
- Adoption, parental rights, voluntary termination petition, terms defined, procedures, appeals, provisions, SB 2433
- Basic juvenile court act, enacted, *3rd Sub HB 371, CH. 291X
- Classroom visitations, parents, guardians, custodians, written rules, regulations, availability, SB 2076
- Juvenile court act in cases relating to dependency of a child and the termination of a parent and child relationship, enacted, *3rd Sub HB 371(a), CH. 291X
- Juvenile justice act, enacted, *3rd Sub HB 371, CH. 291X
- Land, transfer, parent, child, spouse, single family residence purposes, permitted, platting, subdivision requirements not applicable, Sub HB 318, SB 2992
- Parentage, title only, SB 2960
- Personal injury by minors, liability established, *HB 444, CH. 145X
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- Runaway youth act, enacted, *3rd Sub HB 371(a), CH. 291X
- School rights, children's instructional availability, new course notification provisions, SB 2618

PARIMUTUEL MACHINES

- Dog racing, licensing, rules, regulation, SB 2503, SB 3012
- Horse racing, county fairs, certain parimutuel tax, interest, course support, *SB 2441, CH. 372X

PARKING

- Cities, first class, underground public garage construction, authorized, SB 3059
- Garage, visitors, state library parking lot site, construction, general obligation bonds, bond anticipation notes, issuance authorized, appropriation, HB 716
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- Winter recreation activities, parking fines, special permit use payment authorized, SB 2228, *HB 230, CH. 57

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- Archaeology and historic preservation office, created, powers, duties transferred, *Sub HB 70(a), CH. 195X
- Boat safety act, 1971, federal, implementation required, Sub HB 1254
- Boating safety, watercraft operation, registration, licensing, appropriation, SB 3022
- Bonds, acquisition, development, purposes, authorized, distribution provisions, legislative appropriation obligation, certain period, recognized, referendum provision, Sub SB 2203
- Bonds, planning, acquisition, development, improvement, rehabilitation, preservation purposes, authorized, referendum provision, SB 2203
- Counties, state forest land transfers, natural resources department regulation, SB 2284
- Cowlitz county, certain lands, transfer from natural resources department, authorized, SB 3023

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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Department, executive branch, created, SB 2219

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Historic structures, housing, consideration, use, commission, identification, general administration department, preference, provisions, *SB 2512, VETOED

Historic structures, sites, improvements, six year property tax exemption, SB 2468

Historic structures, sites, restoration work, sales tax exempt, application, provisions, SB 2509

Hostels, authorized, *SB 2460, CH. 281X

Mount Si conservation area, created, appropriation, *Sub HB 837, CH. 306X

Outdoor marine facilities account, created, Sub HB 44

Passes, senior citizens, persons permanently disabled, authorized, SB 2382, *Sub SB 2382, CH. 330X

Planning, title only, SB 2659

Public place, definition, licensed brewers, domestic wineries, parks, picnic areas, same ownership, exclusion provision, Sub SB 3041

Scenic river system, creation, management, HB 1191, *SB 3002, CH. 161X

State parks, campsite reservation system, established, provisions, appropriation, HB 37

State parks, leases, concessions, longer period permitted, HB 229, *SB 2114, CH. 123X

State parks, marine, moorage fees, permitted, Sub HB 44

State parks, maximum level of use, regulation, provisions, HB 42

State parks, mounted rangers, pilot program established, Lake Chelan, Sammamish, appropriation, HB 41

State parks, urban areas, planning authorized, Sub HB 43

Sun lakes state park, golf course, Rainbow lake, renamed Vic Meyers golf course, lake, *HB 285(a), CH. 266X

Sun lakes state park, renamed Victor Aloysius Meyers state park, *HB 285, CH. 266X

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Yakima river, conservation area created, SB 2490, *HB 582, CH. 75X

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Whatcom community college, trustees board, member, GA 23, confirmed pp. 138, 193, 254

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Intercity bridge, matching fund loan, appropriation, *SB 2088, CH. 2

PAY TOILETS

Sex discrimination prohibited, half of number available without charge, admission keys, availability, notice required, *Sub HB 675, CH. 97X

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Counties, biweekly pay period authorized, *HB 245, CH. 42

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(a) Amendment to original bill.

SR Senate Resolution.

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PEDERSEN, LOUIS H.

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PEDERSON, DENESE (DEE)

Highline community college, trustees board, member, GA 61, confirmed pp. 760, 797, 912-913

PEDESTRIANS

Curb ramps, sidewalks, general administration department, model design standards not uniquely dangerous to blind persons, adoption, *Sub HB 821, CH. 137X, P.V.

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Banking supervisor, general administration department, examination reports, confidentiality requirements, violation, *Sub HB 384, CH. 245X

Banks, trust companies, control, application general administration, *Sub HB 393, CH. 246X

Budget, state employees, officers, certain, budgetary violations, certain cases, civil penalty, established, SB 2168, *HB 236, CH. 320X

Collection agencies, license suspension, monetary penalties authorized, *HB 828, CH. 194X

Mutual savings banks, report filing requirement, violation, *Sub HB 194, CH. 241X

President, United States, electoral college, electors, mandatory vote pledge required, violation, *SB 2563, CH. 238X

Railroad locomotive equipment, violations, *Sub HB 50, CH. 263X

PENSIONS (See also Retirement)

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County adjustment board members, determination, SB 2398

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County planning commission members, determination, SB 2398

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Escrow commission, members, travel expenses, per diem, authorized, SB 2197, *Sub SB 2197, CH. 156X, P.V.

Fisheries, charter boat license review board, authorized, *2nd Sub SB 2104, CH. 106X

Legislators, increased, Sub SB 2703

OPP&FM, rate establishment authority, *Sub SB 2268, CH. 312X

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Building, home improvements, tax exemption forms, furnish to permittee, required, SB 3014

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(a) Amendment to original bill.

SR Senate Resolution.

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- Columbia river gorge, environmental protection, permits, variances, issuance, *Sub SB 2634, CH. 132X
- Environmental policy act, applicability restricted, SB 2473
- Environmental procedures coordination act, permit revisions, *HB 57, CH. 54
- Family farm water act, permits, alternative to initiative 59, referendum provision, *Sub HB 1120, CH. 357X
- Family farm water act, permits, provisions, Senate Initiative 59
- Fuel tax, motor vehicle, refund permits, records, unpaid interest charges, waiver, *HB 111, CH. 28
- Harvesting, cedar salvage, processed cedar products, cedar processor, defined, natural resources department, United States forest service, issuance, regulation, violation, *Sub HB 873, CH. 147X
- Harvesting, specialized forest products, natural resources department, United States forest service, issuance, regulation, violation, *Sub HB 873, CH. 147X
- Historic structures, sites, buildings, improvements, state conservator approval required, arbitration, Sub HB 74
- Minors' work permits, wages, revisions, SB 2998
- Mobile homes, single trip permit, local authority issuance, tax certification, Sub HB 102, SB 2052, *Sub SB 2052, CH. 22X
- Oil transfer facility, construction at or west of Port Angeles, certification provisions, *Sub HB 743, VETOED
- Real estate, temporary, abolished, *Sub HB 446, CH. 370X, *SB 2315, CH. 24X
- Shoreline management, local government, variances, conditional uses, "date of filing", defined, *Sub HB 1310, CH. 358X
- Shoreline management, local government, variances, conditional uses, "date of filing", defined, grandfather clause, *Sub HB 1310(a), CH. 358X
- Shoreline management, permits, delay, relief provision, SB 2170
- Teachers, exchange, nonimmigrant aliens, temporary permits, *SB 2185(a), CH. 340X
- Trucking industry, UTC, empty backhaul study, regulatory authority extended, energy conservation factors, Sub HB 1146
- Water resource allocation citizens advisory committee, appointment, alternative to initiative 59, referendum provision, SB 2947
- Water resource allocation committee, created, established emergency powers alternative to initiative 59, referendum provision, SB 2947
- Water resource allocation emergency committee, created, powers, provisions, SB 3007
- Water rights, policies, procedures, established, alternative to initiative 59, SB 2854
- Water withdrawal, permits, regional distribution, alternative to initiative 59, referendum provision, *Sub HB 1120(a), CH. 357X
- Winter recreation activities, parking fines, special permit use payment authorized, SB 2228, *HB 230, CH. 57

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- Contracts, defined, state officers, executive, judicial branches, office program planning fiscal management, review provisions, SB 2327
- Contracts, legislative budget committee, reports, provisions, Sub HB 1323

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Desegregation, school districts, students, contracts, authorized, appropriation, SB 3065
- Professional services consultants, agencies, state, local, needed, announcement publication, required, contracts, nondiscrimination clause, SB 3062

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- Counties, systems, creation by ordinance, permitted, HB 787

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- Appeals, disciplinary action, time limitation extended, Sub HB 1021
- Civil service employees, training, career development program, provisions, appropriation, 2nd Sub HB 63
- Civil service law, enforcement provisions, violation penalties, SB 2243
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- Code, technical corrections, *HB 173, CH. 6
- Department, executive branch, duties transferred, SB 2017
- Employees, classified, meritorious performance, additional compensation, provision, SB 2016
- Salary surveys, fringe benefits, *Sub SB 2383, CH. 152X, P.V.
- Salary surveys, public employees, incentive pay provisions, SB 2383
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- Administration, director, governor's representative, advisory council, establishment, membership, authority, SB 2388
- Civil service system, merit principles enumerated, number of applicants, highest qualified, increased, provisions, SB 2388
- Employees, classified, meritorious performance, additional compensation, provision, SB 2016
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- Federal insecticide, fungicide, rodenticide act, amendment, petitioned, *HJM 1 Title only, SB 2583, SB 2813

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- Remarks, amendment ESSB 3024 p. 1427
- Remarks, confirmation of Senator Gordon Sandison, director, department of fisheries p. 3097

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- County seat relocations, election, public funds expenditure, acknowledgement, SB 2566
- Initiation, referendum, signature protection, provisions, SB 2462
- Political parties, minor, organization procedures, established, SB 2032, *Sub-SB 2032, CH. 329X
- Proposition, increase county legislative authority districts, membership, failure to act, prosecuting attorney, superior court, petition provision, Sub HB 79

- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.
- (a) Amendment to original bill.
- SR, Senate Resolution.
- GA, Gubernatorial Appointment.

PETROLEUM

- Gas, liquified, facilities, energy facility site evaluation council, selection, included, SB 2491
- Refiners, producers, retail gasoline service stations, ownership, control prohibited, SB 2313
- Spills, other pollution, transfer fee, barrel, levied, environmental protection revolving fund, created, appropriation, SB 2176
- Transfer facility, construction, at or west of Port Angeles, certification, HB 1420, *Sub HB 743, VETOED
- Transfer facility, construction, modification, limitation provisions, HB 1420, *Sub HB 743, VETOED
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- Assistants, regulation, authorized, SB 2218, *Sub HB 314, CH. 101X
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- Consultant pharmacist, term defined, HB 347
- Drugs, prescription, less costly equivalents, formula basis, substitutions authorized, SB 2238
- Drugs, prescription, substitutions, visible cost posting signs, violations, penalties, *Sub HB 581, CH. 352X
- Hypodermic needles, syringes, sales, prescription required, *Sub HB 508, CH. 249X
- Laetrite, use permitted, *SB 2241, CH. 122X
- Licenses, annual renewal fees, pharmacy board determination, penalty provision, Sub HB 684
- Licenses, nonpracticing, biennial renewal fee provision, Sub HB 684
- Licenses, owners, new, annual renewal fees, pharmacy board determination, penalty provision, Sub HB 684
- Licenses, qualifications, regulations, revisions, SB 2748
- Licenses, retired, nonpracticing, no fee, Sub HB 684
- Sodium pentobarbital, animal control agencies, humane societies, purchase, possession, administration, euthanasia purposes, authorized, *HB 286, CH. 197X

PHENYLKETONURIA

- Social and health services department, tests, phenylketonuria, heritable, metabolic disorders, fees, establishment, collection, authorized, Sub SB 2389

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- Acupuncture, practice, assistants, licensing regulations, *SB 2172, CH. 233X
- Assistants, services, industrial insurance, authorized, *Sub SB 3044, CH. 239X
- Basic science examination, requirement removed, Sub HB 163
- Blood withdrawal, motor vehicle operators, alcohol determination purposes, qualified persons, liability exemption, *HB 313, CH. 143X
- Drugs, legend, prescriptions, written, oral, authorized medical personnel, class broadened, provisions, *SB 2090, CH. 69
- Emergency technicians, physician trained, intravenous therapy, airway management, certification, qualifications, SB 2178, *Sub HB 181, CH. 55
- Health care practitioners, civil immunity, charging others with incompetency, granted, *SB 2071(a), CH. 68

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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- Health care professionals, self-insurance associations, not deemed "insurer" under insurance code, *SB 2156, VETOED
- Health care providers, licensed, cases, arbitration procedures, SB 2247
- Hospital districts, candidates, medical staff, managerial, technical positions, necessary travel, living expenses, authorized, *SB 2217, CH. 211X
- Laetrite, use permitted, *SB 2241, CH. 122X
- Malpractice, medical, actions, notice of intent to file, commencement, provisions, SB 2153
- Medical disciplinary board, public member, appointment, *SB 2157, CH. 71
- Medical students, certain, foreign-trained, University of Washington medical school, clinical training, transfer programs, establishment procedures adopted, *HB 271, VETOED
- Natural death act, enacted, 2nd Sub HB 252, SB 2477, Sub SB 2477
- Naturopathic physicians examining board, created, powers, duties, licensing provisions, SB 2379
- Professional service corporation, physicians, psychologists, optometrists, allowed, HB 704
- Title only, SB 2637

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- Ferries, motor vehicle fund, reimbursement, *Sub HB 427, CH. 51
- Superior court, judges, number increased, SB 2143, *Sub SB 2143, CH. 311X
- Superior court, judges, number increased, appropriation, *Sub SB 2143(a), CH. 311X

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- Bicycles, traffic safety commission, established, provisions, SB 2364
- Homemakers, displaced, multipurpose service centers, pilot projects, established, SB 2770
- Salmon rearing facilities, release-recapture, private ownership, pilot program, authorized, appropriation, Sub HB 261
- State parks, mounted rangers, pilot program established, Lake Chelan, Sammamish, appropriation, HB 41
- Washington innovative service institute, commerce and economic development department, established, appropriation, HB 400

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- Aircraft, private, passenger transportation, surety bonds, liability insurance, required, SB 2828

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- Applicants, examination provisions, Sub SB 2549, *SB 2042(a), CH. 337X, P.V.
- Licenses, fees, requirements, *SB 2042, CH. 337X, P.V.
- Navigational charts, licensed, officers, Washington ships required, SB 2308
- Newly-licensed, vessel size limitation, provisions, HB 672
- Pilotage commission, composition, *SB 2042, CH. 337X, P.V.
- Pilotage commission, revisions, Sub SB 2549, *SB 2042(a), CH. 337X, P.V.
- Ships, pilotage readiness requirements, provisions, HB 671
- Ships, Puget Sound, areas of jurisdiction, redefined, HB 116
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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- Transportation department, created, certain agencies abolished, powers, duties transferred, Sub HB 718, SB 2924, *Sub SB 2924, CH. 151X, P.V.
- Travel, rest periods, pilotage commissioners board, determination, Sub HB 673
- Vessels, hazardous cargo, definition, regulation, pilotage commission, pilot dispatch station, notification, provisions, SB 2358
- Vessels, in transit British Columbia ports, state waters, Pacific pilotage authority, employment authorized, SB 2402

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- Housing commission, created, powers, duties, appropriation, SB 2745
- International performing festival arts steering, created, Sub HB 777
- Job training, employment referral program, vocationally disabled persons, provisions, Sub HB 305
- Market analysis, operating deficit, Amtrak service, Seattle-Vancouver, B.C., directed, Sub HB 149
- Pacific northwest bond redemption fund, created, Sub HB 777
- Pacific northwest facility construction account, created, Sub HB 777
- Transportation department, created, certain agencies abolished, powers, duties transferred, Sub HB 718, SB 2924, *Sub SB 2924, CH. 151X, P.V.

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- Zoning ordinance amendments, variances, land use changes, duties transferred, hearing examiner, *SB 2421, CH. 213X

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- Property, transfer, parent, child, spouse, single family residence purposes, permitted, platting, subdivision requirements not applicable, Sub HB 318, SB 2995

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- Exemption from registration, removed, SB 2093
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- Septic tank failures, corrections, alternative systems, certain, local health boards, authorized, plumbing code waivers, Sub SB 2638
- Specialty, designated, provisions, SB 2731, *Sub SB 2731, CH. 149X

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- Basic science examination, requirement removed, Sub HB 163
- Civil immunity, charging others with incompetency, granted, *SB 2071, CH. 68
- Disciplinary board, created, powers, duties, SB 2939, Sub SB 2939
- Health care professionals, self-insurance associations, not deemed "insurer" under insurance code, *SB 2156, VETOED
- Hospital, rules, facilities use provisions, inclusion, violation provisions, SB 2239
- Hospitals, rules, clinical privileges, adoption, required, Sub SB 2239

POINT OF SALES TERMINAL

- Electronic fund transfer systems, financial institutions, commercial establishments, authorized, checking, loan accounts, access, SB 2776
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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Insurance, life, purchase, cancellation within ten days, *Sub HB 385, CH. 60

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Candidates, false information, dissemination unlawful, SB 2746

Candidates, reports, signed endorsement cards, authorization requirements, SB 2738, Sub SB 2738

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Contributions, by lobbyists, reporting requirements, *SB 2282(a), CH. 313X

Contributions, employer, labor unions, employee collections, prohibited, SB 3035

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Contributions, personal use limitations, *Sub SB 2877(a), CH. 336X

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Filing, public office, indigent, fees, waiver determination, poverty level income standards established, Sub SB 2739

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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- Filing, public office, indigent, fees, waiver determination, standards established, SB 2739
- Legislative authorities, members, office terms, election certificates, provisions, HB 746
- President, United States, electoral college, electors, mandatory vote pledge required, violation, penalty, *SB 2563, CH. 238X
- Primaries, ballot name rotation, eliminated, SB 2370
- Reports, suspension, modification, certain competitive hardship situations, *Sub SB 2877(a), CH. 336X
- Surplus funds, disposal requirements, concealed payments prohibited, *Sub SB 2877(a), CH. 336X
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POLITICAL PARTIES

- Candidates, advertising, reports, signed endorsement cards, authorization requirements, SB 2738, Sub SB 2738
- Candidates, conventions, nominations, partisan public offices, procedures, *Sub SB 2032(a), CH. 329X
- Chairmen, legislative districts, class AA counties, committeeperson appointment powers, revised, SB 2481
- Committees, state, local, formation, provisions, SB 2481
- Electoral college, electors, mandatory vote pledge, required, violation, penalty, *SB 2563, CH. 238X
- Fair campaign practices act, enacted, SB 2513, Sub SB 2513
- Minor, organization, procedures, established, SB 2032, *Sub SB 2032, CH. 329X
- Minor, signature requirements increased, presidential convention, state primary, participation permitted, SB 2264
- Primaries, open, established, SB 2287
- Public disclosure, commission member, identified with political party, appointment procedure, SB 2476
- Senators, United States, temporary appointment, election provisions, HB 588
- Voter's pamphlets, odd-numbered year elections, preceding presidential elections, precinct caucus, convention process, political parties, methods to nominate candidates for president, explanation section provision, *Sub HB 209, CH. 56

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- Control facilities, tax credit, exemption certificates, application requirements, SB 2848
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- Control hearings board, hearings, appeals court jurisdiction, SB 2573, Sub SB 2573
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- Emergency vehicles, catalytic converters, removal permitted, *HB 1232, CH. 264X
- Forest practices appeals board abolished, duties transferred, pollution control board, SB 3055
- Historic structures, certain, wood burning permitted, *Sub HB 294, CH. 38X
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(a) Amendment to original bill.

SR Senate Resolution.

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- School districts, first class, certain, class AA counties, population classification, revised, Sub SB 2809

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- Printed material, sexual acts depicted, described, human genitalia displayed, public places, persons under eighteen admitted, person selling, exhibiting, distributing, guilty of misdemeanor, Sub SB 2552
- Printed, photographic materials, appeals to prurient interest, public places, minors admitted, person displaying for sale, guilty of gross misdemeanor, Sub SB 2552

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- Bonds, sales, issuance, proceeds, funding, reserve accounts, permitted, SB 3028, *Sub SB 3028, CH. 229X
- Harbor lines commission, certain locations, authority extended, *SB 2211, CH. 124X
- Law enforcement officers, collective bargaining, included, HB 85
- Property, contiguous, transfers authorized, procedures, *SB 3017, CH. 91X
- Rent security, non-profit organizations, waiver, reduction, permitted, *HB 1, CH. 41
- Revenue distribution, districts not levying property tax, timber excise taxes, certain, authorized, SB 2775
- Taxes, property, regular, term redefined, HB 32
- Title only, SB 2625, SB 2881
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- Vessels in transit British Columbia ports, state waters, pilots, Pacific pilotage authority, employment authorized, SB 2402

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- Council, title only, SB 2604
- Degrees, new, authorization, EWSC, CWSC, WWSC, review, fiscal impact, council determination, recommendations, *HB 768, CH. 201X
- Job training, employment referral program, vocationally disabled persons, provisions, Sub HB 305
- Term papers, theses, dissertations, other assignments, commercial sale for use, prohibited, Sub HB 123
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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 Political parties, legislative district chairmen, appointment powers, revised, SB 2481

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Domestic insurers, tax increased, *Sub HB 1009, CH. 324X

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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- National conference state legislatures, attendance authorized, *SR 1977-118 p. 3095
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- Electoral college, electors, mandatory vote pledge required, violation, penalty, *SB 2563, CH. 238X
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- Minor political parties, signature requirements increased, presidential convention, state primary, participation permitted, SB 2264
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- Agencies, state, reports, publications, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X
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- Agencies, reports, publications, printing, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PRISON TERMS AND PAROLES (See also Sentences - Penal)—cont.

- Board, name change, criminal sanctions board, powers, duties, Sub HB 614
- Convicted persons, statement, facts of crime, required, Sub HB 857, SB 2852
- Defendants, commitment, summary probation authorized, provisions, SB 2951
- Felons, recidivist, minimum punishment, established, SB 2003
- Felony offenses, sentences, alternatives, offender maintenance payments, funds, use, provisions, SB 2926
- Title only, SB 2751

PRISONERS (See also Felons and Felonies)

- Administrative procedures act, prisoners, hearings, exclusion provision, SB 2392
- Controlled substances, penal institution residents, possession prohibited, *SB 2002, CH. 43X
- County jail prisoners, possession, use, dangerous weapons, guilty of felony, provisions, SB 2209
- Defendants, commitment, summary probation authorized, provisions, SB 2951
- Discipline, title only, SB 2903
- Sentences, felons, alternatives, offender maintenance payments, funds, use, provisions, SB 2926
- Sentencing, correction commission created, SCR 106
- Title only, SB 2784
- Work release program, treatment provisions, Sub HB 13

PRISONERS - WAR

- Motor vehicle, free annual license, former POW's, authorized, SB 2010

PRISONS

- Controlled substances, penal institution residents, possession prohibited, *SB 2002, CH. 43X
- Corrections institutions, construction, establishment, within five miles, residence, place of employment, state, county road, other than own access road, prohibited, SB 2357
- Corrections institutions, construction remodeling, social and health services department, plan, formulated, submitted to legislature, provisions, SB 2929
- Jail commission, established, powers, duties, Sub SB 2040
- Jail commission, established, powers, duties, appropriation, SB 2040, *2nd Sub SB 2040, CH. 316X
- Jails, cities, counties, program, minimum state-wide standards, Sub SB 2040
- Jails, cities, counties, program, minimum state-wide standards, appropriation, SB 2040, *2nd Sub SB 2040, CH. 316X
- Sentencing, correction commission created, SCR 106

PRIVACY

- Personal information system, governmental, individual sensitivity rights, regulation, SB 2674
- Private communication, recordings, court orders, applications, inventory requirements, *SB 2419, CH. 363X
- Private communications, recording conditions, *SB 2419, CH. 363X
- Title only, SB 2987

PROBATE

- Filing fee increased, allocation, *SB 2196, CH. 107X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PROBATE—cont.

Inheritance tax exemptions, federal conformity, provision, SB 2869, SB 2916
 Laws, general revisions, HB 454, *SB 2215, CH. 234X
 Uniform probate code, enacted, SB 2163

PROBATION AND PAROLE (See also **Prison Terms and Paroles**)

Basic juvenile court act, enacted, *3rd Sub HB 371(a), CH. 291X
 Children, delinquent behavior, damages, juvenile court, probation counselors, disposition, restitution, informal adjustment, petition review, provisions, SB 2849, Sub SB 3027
 Children, delinquent behavior, damages, juvenile court, probation counselors, disposition, restitution provisions, SB 3027, Sub SB 3027
 Criminal justice programs, local, provisions, appropriation, 2nd Sub HB 307
 Defendants, commitment, summary probation authorized, provisions, SB 2951
 Eligibility, community supervision, established, Sub HB 614
 Juvenile court act in cases relating to dependency of a child and the termination of a parent and child relationship, enacted, *3rd Sub HB 371(a), CH. 291X
 Juvenile justice act, enacted, *3rd Sub HB 371, CH. 291X
 Juvenile services, counties, support revisions, SB 2406
 Juvenile services, funds, application, conditions, modified, appropriation, *2nd Sub HB 874, CH. 307X
 Probation, title only, SB 2816
 Runaway youth act, enacted, *3rd Sub HB 371(a), CH. 291X
 Special supervision program, juvenile probation, state aid, report to legislature, *2nd Sub HB 874(a), CH. 307X

PROCLAMATION

Governor, convening first extraordinary session,
 March 11, 1977 pp. 719, 722

PRODUCTS

Agriculture, definition broadened, commission merchants, regulations revised, *Sub HB 674, CH. 304X
 Liability action, defined, provisions, SB 2744, Sub SB 2744
 Manufactured, civil liability, damage recovery, revisions, SB 2918
 Manufacturers, foreign made articles, B&O tax deduction, SB 2045, *2nd Sub HB 24, CH. 105X
 Nondairy, food service establishments, agriculture department regulations, violations, penalties, Sub HB 890

PROFESSIONAL SERVICE CORPORATIONS

Optometrists, physicians, surgeons, allowed, HB 704

PROFESSORS

"Retired", over age seventy, reemployment, *HB 584, CH. 276X

PROGRAM PLANNING AND FISCAL MANAGEMENT OFFICE

Agencies, reports, requirements, general revisions, *SB 2133, CH. 75X, P.V.
 Annexations, corporations, disincorporations, certification provision, *SB 2288, CH. 110X
 Block statistics, contract United States census bureau, collection, tabulation purposes, subject to appropriation, *Sub SB 2356, CH. 128X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PROGRAM PLANNING AND FISCAL MANAGEMENT OFFICE—cont.

- Bonds, Washington futures program, waste disposal, issuance period, extended, *HB 195, CH. 242X
- Censuses, city, county, certification, allocation, state, federal revenue purposes, *SB 2288, CH. 110X
- Censuses, federal decennial, quinquennial, data processing, dissemination center, SB 2288
- Civil service employees, training, career development program, employees, provisions, appropriation, 2nd Sub HB 63
- Community colleges, building construction, alterations, bond financing, *SB 2277, CH. 346X
- Cost data reports, boards, commissions, committees, councils, statutory, non-statutory, required, *HB 69, CH. 23
- Financial management, office of, name change, *SB 2400(a), CH. 114X
- Fiscal management, office of, name change, *SB 2400, CH. 114X
- Fiscal notes, proposed legislation, relating to cities, towns, counties, other units of local government, preparation, required, *SB 2325, CH. 19X, P.V.
- Fiscal notes, proposed legislation, required, HB 129, SB 2063, *Sub SB 2063, CH. 25X
- Liquor revolving fund, accounting procedures, SB 2506, Sub SB 2506
- Mileage allowance, officials, employees, establishment provisions, Sub SB 2267
- Mileage allowance, officials, employees, increased, SB 2267
- Per diem, higher rates, state officials, employees, adequate justification, SB 2912
- Per diem, rate establishment authority, *Sub SB 2268, CH. 312X
- Per diem, state, government officials, employees, increased, SB 2268
- Personal services contracts, defined, state officers, executive, judicial branches, review provisions, SB 2327
- Personal services contracts, outside employment, state employees, public disclosure reports, required, provisions, SB 2326
- Personnel department, executive branch, duties transferred, SB 2017
- Petty cash account, state agencies, maximum amount, special needs base, *Sub HB 200, CH. 40
- Printing and duplicating management center, general administration department, established, printing, duplicating committee, powers, duties transferred, *SB 2166, CH. 86X
- Printing, public, general revisions, HB 235, SB 2165
- Receipts, state treasurer, rules, regulations, *SB 2095, CH. 16
- Reports, publications, agencies, printing, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X
- Salary surveys, public employees, fringe benefits, *Sub SB 2383, CH. 152X, P.V.
- Salary surveys, public employees, incentive pay provisions, SB 2383
- State buildings, acquisition, construction, remodeling, bond financing, SB 2271
- State government, title only, SB 2534, SB 2547
- State officials, employees, specific mileage rate, regulation, SB 2907
- Tort claims, filing location transferred, chief fiscal officer, *Sub HB 395, CH. 144X
- Tort claims, revolving fund, state agency reimbursement, appropriation, SB 3010, *Sub SB 3010, CH. 228X
- Tort claims, state government, procedural revisions, *Sub HB 395, CH. 144X

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PROGRAM PLANNING AND FISCAL MANAGEMENT OFFICE—cont.

Washington state university, building acquisition, construction, remodeling, bond financing, *SB 2272, CH. 344X

PROPANE

Motor vehicles, users, license fee in lieu of special fuel tax, *SB 2825, CH. 335X

PROPERTY

Annexations, proposed, small areas, subject to boundary review board action when requested, decisions, finding of facts, requirements, water, sewer district exemption provision, Sub HB 1190

Children, delinquent behavior, damages, juvenile court, probation counselors, disposition, restitution provisions, SB 3027, Sub SB 3027

Compensation requirement, eminent domain condemnation, Sub HB 318

County assessors, budget committees, establishment, funding, county-wide revaluation purposes, SB 2991

County, leased to public agency, term, not to exceed fifty years, SB 3079

Damage by children, juvenile court, probation counselors, disposition, restitution, informal adjustment, petition review, provisions, SB 2849, Sub SB 3027

Damage by children, parental liability increased, *HB 444, CH. 145X

Destroyed, tax relief applications, filing requirement, SB 2737, *HB 642, CH. 200X

Dogs, persons bitten, liability determination, HB 635

Eminent domain condemnation, gift to state or political subdivision, owner advised, acquisition provisions, Sub HB 318

Historic sites, public corporations, leasehold excise tax exemption, limitation, phaseout, *Sub HB 839, CH. 35X

Historic structures, improvements, six year property tax exemption, Sub HB 71

Historic structures, sites, improvements, six year property tax exemption, SB 2468

Historic structures, sites, restoration work, sales tax exempt, parks, recreation commission application, provisions, SB 2509

Homestead exemption increased, single person eligibility, SB 2292, *Sub HB 440, CH. 98X

Housing, public, authorities, mortgage loan purchase, authorized, rehabilitation, rentals, sales, loans, low income persons, bond sales, revisions, *Sub HB 1213, CH. 274X

Insurance, sales, solicitation, extenders of credit, restrictions, *HB 386, CH. 61

Land, platted, commercial, industrial, amended plat, filed, subdivision laws, exempted, SB 3076

Land, transfer, parent, child, spouse, single family residence purposes, permitted, platting, subdivision requirements not applicable, Sub HB 318, SB 2992

Land sales, additional improvement costs, payment to developers prohibited, *HB 653, CH. 252X

Malicious mischief, definition extended, SB 3025

Mutual savings banks, general revisions, interest payment, loan repayment periods, amount limitations, SB 2192, *Sub HB 161, CH. 104X

Outdoor advertising signs, removal, scenic vistas act, compensation, *Sub SB 2956, CH. 141X, P.V.

Pacific Northwest festival facility, vicinity Federal Way, real estate gift, general obligation bonds, bond anticipation notes, matching grant purposes, issuance authorized, Sub HB 777

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PROPERTY—cont.

- Performing arts center, Olympia, appropriation, stimulant federal, local matching funds, SB 3001
- Piers, installation, shoreland lease, natural resources department, granting required, denial, contested hearing provisions, Sub HB 744
- Port districts not levying property tax, timber excise taxes, certain, distribution authorized, SB 2775
- Port districts, property tax term, redefined, HB 32
- Protection, legal defense, *Sub HB 615, CH. 206X
- Rights, owners, private property, prescribed, SB 2339, Sub SB 2339
- Schools, support, taxes increased, excess levies, equalization, school support purposes, authorized, SJR 103
- Self-defense, definition extended, SB 2464
- Surplus, federal, public agencies, purchase procedures, *SB 2747, CH. 135X
- Tax appeals board, appeals procedures modified, Sub HB 502
- Tax exemption claims, applications, publication procedures, Sub HB 861
- Tax reform, adequate revenues, support of vital services, equity, combination with other income, fully fund basic education, SB 2945
- Tax structure, single, integrated plan, balanced revisions, SJR 118, SJR 123
- Taxes, delinquent, delinquency period, decreased, Sub HB 728
- Taxes, delinquent, interest rate increased, Sub HB 728, SB 2557
- Taxes, delinquent, sales, contract bidder, payment interest rate increased, SB 2842
- Taxes, paid before April 30th, five percent deductible, paid October 31st, three percent deductible, provision, SB 2836
- Transmission, reception facilities, nonprofit corporations, tax exemption, *SB 2839, CH. 348X
- University of Washington, metropolitan tract, lease term extended, *HB 1284, CH. 365X

PROPERTY - PERSONAL

- Controlled substances, property seizure, forfeiture procedure, *SB 2416, CH. 77X
- Firearms, lost, unclaimed, governmental entity possession, retention, *Sub HB 912, VETOED
- Highways, materials, sale, lease, *SB 2365, CH. 78X
- Liens, tax warrants, execution limitations, SB 2773
- Protection, legal defense, *Sub HB 615, CH. 206X
- Unclaimed personal property, disposition procedures established, *Sub HB 912, VETOED
- Wholesale distributors, own warehousing, \$80,000 monthly personal property sales, B&O tax not applicable, SB 2044

PROPERTY - REAL

- Appraisals, reevaluated, notice requirement, *HB 438, CH. 181X
- Assessments, current use basis, provision, SJR 107
- Assessments, indicated ratio, revenue department determination, appeal, *Sub SB 2502(a), CH. 284X
- Assessments, value equalization, guideline procedures, established, SB 2502, *Sub SB 2502, CH. 284X
- Benton county, state patrol sales, lease, exchange, authorized, *HB 694, CH. 191X

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PROPERTY - REAL—cont.

- Compensation requirement, eminent domain condemnation, Sub HB 318
- Construction liens, code, new, provisions, SB 2607
- Convention center facilities, cities, land acquisition, authorized, SB 2923
- Cowlitz county, certain lands, natural resources department, transfer, parks, recreation commission, authorized, SB 3023
- Current use classification, application date, extended, SB 3047, Sub SB 3047
- Current use classification, retention, new owner, notice requirement, SB 2736
- Development, redevelopment projects, taxes, increased valuation, project indebtedness payment provisions, Sub HJR 30
- Eminent domain, condemnation, gift to state or political subdivision, owner advised, acquisition provisions, Sub HB 318
- Eminent domain, damage claims, attorneys, expert witnesses, fees allowed, SB 2334, *HB 445, CH. 72X
- Eminent domain, subject to condemnation, gift to state or political subdivision, permitted, SB 2026
- Environmental policy act, applicability restricted, SB 2473
- Environmental policy act, council abolished, rules pertaining to integration, policies, procedures, state agencies, local governments, repealed, SB 2953
- Environmental policy act, governmental denials, grounds, policy requirements, appeal, *Sub SB 2654, CH. 278X
- Environmental policy act, public notice, judicial review provisions, modified, *Sub SB 2654, CH. 278X
- Facilities, additional tap, connection charges, recording requirement, *Sub HB 30, CH. 72
- Facilities, unconstructed, assessment charge, credit, *Sub HB 30, CH. 72
- Farmland, open space classification, benefits assessments, payment, delay, owner's request, allowed, 2nd Sub HB 766
- Highway, tenant priority, sales, negotiations, SB 2397, *HB 816, CH. 37X
- Highways, surplus, sale to specified purchasers, authorized, *SB 2365, CH. 78X
- Justice courts, justices, peace, jurisdictional amounts, increased, *SJR 113
- Land, transfer, parent, child, spouse, single family residence purposes, permitted, platting subdivision requirements not applicable, Sub HB 318, SB 2995
- Port districts, contiguous property, transfers authorized, procedures, *SB 3017, CH. 91X
- Protection, legal defense, *Sub HB 615, CH. 206X
- Purchase, title only, SB 2725
- Residences, single family, certain, shorelines management, development provisions, excluded, SB 3000
- Revaluation ratio procedures, repealed, *HB 613, CH. 29X
- Solar energy systems, tax exemption, *2nd Sub HB 388, CH. 364X
- Tax appeals board, appeals procedures modified, Sub HB 502
- Taxes, county equalization board, additional meetings, requirements, *SB 2451(a), CH. 290X
- Taxes, historic sites, designated, use basis, SJR 112
- Taxes, residences, valuation to \$20,000, exemption claims, publication procedures, SB 2829
- Taxes, retirees, residences exemption, age, income, value basis, revisions, SB 2009

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PROPERTY - REAL—cont.

- Taxes, retirees, residences, income limit exemption increased, SB 2840, *HB 355, CH. 268X
- Taxes, retirees, residences income limits, exemption, consumer price index, adjustment provision, SB 2930
- Taxes, retirees, residences, mobile homes, income limit exemption, increased, Sub SB 2840
- Taxes, retirees, residences, veteran's disability compensation, income exclusion, exemption, SB 2004
- Taxes, schools, colleges, exemption, cessation, recapture, SB 2362, *Sub HB 741, CH. 209X
- Transfers, certain intra-family, tax exempt, SB 2015

PROPHYLACTICS

- Vendors, annual licenses, late renewals, penalty assessment authorized, Sub HB 1194

PROPRIETARY SCHOOLS

- Clinics, dropouts, certification, services, fees, state aid authorized, *2nd Sub SB 2232, CH. 341X
- Clinics, dropouts, certification, services, fees, state aid authorized, appropriation, Sub SB 2232

PROSECUTING ATTORNEYS

- Coordinating council, established, SB 3066, Sub SB 3066
- Plea bargaining, association, guidelines development directed, Sub HB 614
- Prosecution coordination office, powers, duties, established, SB 3066, Sub SB 3066

PROSTITUTION

- Criminal code clarification, Sub HB 453

PSYCHOLOGISTS

- Continuing education requirements, establishment required, *HB 237, CH. 58
- Professional service corporation, physicians, psychologists, optometrists, allowed, HB 704

PUBLIC ASSISTANCE

- Child welfare services, continuation to age twenty-one, authorized, HB 819, SB 2390
- Children, dependent, support, social and health services department, claims, collection, reimbursement, responsible persons, procedures, Sub SB 2983
- Federal supplemental security income, state supplemental amounts increased, SB 2501
- Hearing procedures, social and health services department, SB 2394
- Homemaker/home health services program, contracting agencies, personnel, certification provisions, SB 2047
- Income, earned, exemption, applicants, developmental disability services, established, Sub HB 800, SB 2409
- Income, earned, exemption, recipients, established, *SB 2479, CH. 215X
- Income, not below poverty level, consumer price index, standards, SB 2874
- Residential care facilities, social and health services department, rate setting authority, established, Sub SB 3100

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PUBLIC ASSISTANCE—cont.

Title only, SB 2788

Unemployed, employable persons, general assistance, continuation provisions, SB 2876

Vendors, payments, late, departmental responsibility, penalty provisions, SB 2616
Vendors, public assistance medical services, certain, department reimbursement authorized, SB 2911

Vendors, welfare fraud provisions, subject, SB 2236

PUBLIC CORPORATIONS

Historic sites, leasehold excise tax exemption, limitation, phaseout, *Sub HB 839, CH. 35X

Senior citizen, other programs, counties, cities, public corporations, state, local funds, use authorized, Sub HB 1278

PUBLIC DISCLOSURE AND PUBLIC DISCLOSURE COMMISSION

Agencies, lobbyists, reporting requirements, *SB 2282(a), CH. 313X

Agencies, state, local, personal information, collected, misuse, prohibited, penalty provision, SB 2140

Agencies, state, personal information systems, individual's rights, provisions, SB 2035, Sub SB 2035

Candidates, congress, last federal income tax return, copy, commission, filing required, SB 2467

Candidates, contributions, reporting requirements, *SB 2282(a), CH. 313X

Candidates, contributions, surplus funds, disposal, personal use limitations, reports, modifications, suspensions, *Sub SB 2877(a), CH. 336X

Contributions, by lobbyists, reporting requirements, *SB 2282(a), CH. 313X

Employment security records, access, disclosure, regulations confidentiality, *SB 2426, CH. 153X

Fair campaign practices act, enacted, SB 2513, Sub SB 2513

Gambling license applications, commission reports, availability, *HB 1133(a), CH. 326X

Legislators, compensation conditions, disclosure report requirement, *Sub SB 2873, CH. 218X

Legislators, compensation, preexisting employer, disclosure report requirement, gifts, employment contracts, legislative action, interest in real property, provisions, SB 2873

Lobbying activities, certain, agencies, permitted, SB 2870, Sub SB 2870

Lobbyists, contributions, entertainment expenditures, reporting requirements, *SB 2282(a), CH. 313X

Local governments, lobbying activities, reporting requirements, *SB 2282(a), CH. 313X

Members, identified with political party, appointment procedure, SB 2476

Members, qualifications, restrictions, revisions, SB 2167

Officials, appointed, provisions, HB 1293, SB 2289

Open public meetings, title only, SB 2644

Personal service contracts, legislative budget committee, reports, provisions, Sub HB 1323

Personal services contracts, outside employment, state employees, public disclosure reports, required, provisions, SB 2326

Political contributions, personal use limitations, *Sub SB 2877(a), CH. 336X

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PUBLIC DISCLOSURE AND PUBLIC DISCLOSURE COMMISSION—cont.

- Political contributions, reports, suspension, modification, certain competitive hardship situations, *Sub SB 2877(a), CH. 336X
- Political contributions, surplus funds, disposal requirements, concealed payments prohibited, *Sub SB 2877(a), CH. 336X
- Public officials, concealed payments prohibited, public office funds, reports, certain competitive hardship situations, reports, modification, suspension, *Sub SB 2877(a), CH. 336X
- Records, privacy rights, violated, invaded, publicity, offensive, facts, allegations, no legitimate public concern, Sub SB 2285
- Records, revisions, SB 2285
- Reports, campaign treasurers, lobbyists, local government lobbyists, agencies, reporting requirements, *SB 2282(a), CH. 313X
- Student associations, recognized, defined, higher education institutions, regents, trustees boards, registration, provisions, Sub HB 1234
- Title only, SB 2981

PUBLIC EMPLOYEES (See also Employees)

- Appeals, disciplinary action, personnel board, time limit extended, Sub HB 1021
- Arbitration, fact finding costs, shared by parties involved, SB 2496
- Bargaining committee, inactive, abolished, SB 2064
- Civil service system, merit principles enumerated, number of applicants, highest qualified, increased, provision, SB 2388
- Collective bargaining, agreement, public employers, rules, policies subordinate, HB 10
- Collective bargaining, police officers, cities, towns, counties, included, HB 646
- Collective bargaining, state patrol, inclusion, HB 38, SB 2077
- Collective bargaining, title only, SB 2796
- Community colleges, working outside state's boundaries, higher education, personnel law, exemption, *HB 927, CH. 94X
- Contributions to supervisors prohibited, SB 2087
- Counties, biweekly pay period authorized, *HB 245, CH. 42
- Facility closures, relocation expenses, compensation benefits, provisions, SB 2663
- Faculty, other employees, "retired", over age seventy, higher education institutions, reemployment, *HB 584, CH. 276X
- Health care, state employees' insurance board recreated, single plan, SB 2851, *Sub SB 2851, CH. 136X
- Higher education, educational employees, collective bargaining, provisions, HB 59
- Holiday, floating, certain faculty, excluded, *Sub SB 2399(a), CH. 111X
- Holiday, floating, school employees, short term non-classified employees of institutions of higher education, excluded, *Sub SB 2399(a), CH. 111X
- Holidays, falling on Saturday, preceding Friday, legal holiday, SB 2399, *Sub SB 2399, CH. 111X
- Holidays, legal, permanently employed, paid compensation authorized, SB 2859
- In-service training act, enacted, *Sub HB 470, CH. 189X
- Insurance board, state employees', recreated, single health care plan, SB 2851, *Sub SB 2851, CH. 136X
- LEOFF system, members, social security coverage, referendum, Sub SB 2584
- LEOFF system, revised, benefits, costs, reduced, standardized, *Sub HB 867, CH. 294X

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

PUBLIC EMPLOYEES (See also Employees)—cont.

- Mandatory, under age seventy years, prohibited, waiver, conditions, SB 2422
- Meritorious performance, additional compensation, provision, SB 2016
- Mileage, specific rate, regulations, SB 2907
- Motor vehicles, marking not in accordance to law, public officers, certain, civil penalty, assessment provisions, HB 210
- Non-partisan campaigns, participation permitted, provisions, HB 186
- Per diem, higher rate justification, SB 2912
- Per diem, increased, SB 2268
- Personal information records, misuse prohibited, penalty, SB 2140
- Personal information systems, individual's rights, SB 2035, Sub SB 2035
- Personal services contracts, outside employment state employees, public disclosure reports, required, provisions, SB 2326
- Public employment relations commission, bargaining unit, not members of commission, SB 2139
- Retirement system, board, state officials designate representatives, provisions, SB 2099
- Retirement system, comprehensive, created, SB 2950
- Retirement system, general revisions, SB 2474
- Retirement system, recipients, retired on, before May 21, 1971, calculation, allowances, changes, SB 2488
- Retirement system, revised, established, *Sub HB 865, CH. 295X
- Retirement system, twenty years service eligibility provisions, SB 2551, SB 2665
- Retirement systems, dual members, governing rules, Sub SB 2584
- Salaries, wages, local government, direct bank deposits permitted, *Sub HB 512, CH. 269X
- Salary surveys, fringe benefits, *Sub SB 2383, CH. 152X, P.V.
- Salary surveys, incentive pay provisions, SB 2383
- Sick leave, attendance incentive program established, SB 2179, Sub SB 2179
- Teachers' retirement system, revised, established, *Sub HB 866, CH. 293X
- Travel expenses, OPP&FM, rate establishment authority, *Sub SB 2268, CH. 312X

PUBLIC LANDS

- Acquisition, disposition, clarification, compensation, highways, natural resources departments, *Sub HB 267, CH. 103X
- Commissioner, salary increased, appropriation, 2nd Sub HB 1321, *2nd Sub HB 1306(a), CH. 318X
- Dredged materials, public waters, disposal authorized, SB 2169, *Sub SB 2169, CH. 87X
- Forest fires, patrol assessments, litigation, court costs, attorneys' fees, *HB 298, CH. 102X
- Forest lands, county park transfers, natural resources department, regulation, SB 2284
- Funds, forest development, resource management cost account, uses, *SB 2202, CH. 159X
- Management, natural resources department, revisions, SB 2450, Sub SB 2450
- Resource management land bank, created, natural resources department, *SB 2200, CH. 109X
- Title only, SB 2880

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

PUBLIC LANDS—cont.

Trespass, livestock, repealed, *SB 2164, CH. 20

Waterways, lands, laws, natural resources department, revisions, SB 2448, Sub SB 2448

PUBLIC LANDS COMMISSIONER (See also Cole, Bert L.)

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PUBLIC OFFICIALS (See also Officials)

Agencies, reports, publications, printing, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X

Agencies, reports, requirements, general revisions, *SB 2133, CH. 75

Appointed, financial disclosure, provisions, HB 1293, SB 2289

Budget, employees, officers, certain, budgetary violations, certain cases, civil penalty, established, SB 2168, *HB 236, CH. 320X

Concealed payments prohibited, public office funds, reports, *Sub SB 2877(a), CH. 336X

Disclosure reports, modification, suspension certain competitive hardship situations, *Sub SB 2877(a), CH. 336X

Executive conflict of interest act, general revisions, officials, legislators included, renamed public trust act, SB 2749

Fair campaign practices act, enacted, SB 2513, Sub SB 2513

Legislators, civil office, appointed, elected, emoluments increased during his legislative term, initial term served, compensation at prior level, SJR 108

Public employees' retirement system board, state officials designate representatives, provisions, SB 2099

Recall actions, procedures, expanded, SB 2031

Salary committee, state, jurisdiction, *SB 2310, CH. 127X

State, elected, salaries, increased, SB 2086, Sub SB 2086

Town supervisors, powers, duties, *SB 2068, CH. 15

Travel expenses, OPP&FM, rate establishment authority, *Sub SB 2268, CH. 312X

PUBLIC PLACES

Liquor control, term redefined, *Sub SB 3036, CH. 219X, P.V.

No smoking rules, enforcement, designated, violations, penalties, Sub SB 2250

No smoking rules, enforcement, violations, penalties, SB 2250, Sub SB 2250

Printed material, sexual acts depicted, described, human genitalia displayed, public places, persons under eighteen admitted, person selling, exhibiting, distributing, guilty of misdemeanor, SB 2552

Printed, photographic materials, appeals to prurient interest, public places, minors admitted, person displaying for sale, guilty of gross misdemeanor, Sub SB 2552

Toilets, pay, sex discrimination prohibited, half of number available without charge, admission keys availability, notice required, *Sub HB 675, CH. 97X

PUBLIC RECORDS (See also Records and Files)

Title only, SB 2806

PUBLIC SERVICE COMPANIES - TRANSPORTATION

Public service companies, title only, SB 2818, SB 2819

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(a) Amendment to original bill.

SR Senate Resolution.

GA Governorial Appointment.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

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- (a) Amendment to original bill.
- SR Senate Resolution.
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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- County, day labor, contract projects, privately owned equipment use, materials purchase quotations, provisions, SB 2023
- County, equipment rental fund, road department, other departments, created, use provision, *SB 2024, CH. 67
- Highway classifications, functional, established, commission directed, *SB 2485, CH. 130X
- Highway, term redefined, public transit vehicle stops permitted, *HB 95, CH. 24
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- Public employment relations commission, member, GA 60 p. 497

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

ROHRBACK, SENATOR ERIC

- Oath administered, June 15, 1977, appointed to
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Senator John Cunningham p. 2722
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ROSMUND, FREDERICK B.

- Peninsula community college, trustees board, member,
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- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions
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(a) Amendment to original bill.

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- Motor vehicle equipment, commission on equipment, closer conformance federal guidelines, standards, use regulations, noncompliance, misdemeanor, *Sub HB 952, CH. 355X
- Nuclear thermal fission plants, construction, operations, certification, SB 2572
- Railroad bridges, trestles, walkways, handrails, mandatory provisions, nonrailroad employees, liability exclusion, *Sub SB 2125, CH. 46X
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- Railroad employees inspection duties transferred to labor and industries department, HB 429
- Railroad employees, working conditions, safety, health purposes, provisions, SB 2094
- School bus safety, interstate compact, enacted, *SB 2437, CH. 88X
- Ski resort operators, insurance, safety, sign system requirements, *Sub SB 2975, CH. 139X
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- Committee, state officials, jurisdiction, *SB 2310, CH. 127X
- Counties, biweekly pay period authorized, *HB 245, CH. 42
- Court reporters, salaries, increased, SB 2206
- Employee wages, permissible deductions, limitations, SB 2380
- Executive branch, elected officials, salaries increased, appropriation, 2nd Sub HB 1321, *2nd Sub HB 1306(a), CH. 318X
- Holidays, legal, public employees, permanently employed, paid compensation, authorized, SB 2859
- Judges, justices, supreme, superior, appeals, justice courts, increased, appropriation, 2nd Sub HB 1322, *2nd Sub HB 1306(a), CH. 318X
- Legislators, civil office, appointed, elected, emoluments increased during his legislative term, initial term served, compensation at prior level, SJR 108
- Legislators, increased, appropriation, *2nd Sub HB 1306(a), CH. 318X
- Legislators, schedule established, appropriation, *2nd Sub HB 1306, CH. 318X
- Minors, work permits, wages, revisions, SB 2998
- Motion picture projectionists, overtime pay exception, *HB 553, CH. 74X
- Nursing homes, nursing care, employees, rate reimbursement, SB 2351
- Public utility districts, commissioners, schedule, SB 2132, *Sub SB 2132, CH. 157X
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- School student employees, minimum wage law, exemptions, SB 2562
- Seasonal workers, agricultural fairs, minimum restriction removed, *SB 2251, CH. 4X
- State officials, elected, officers, judges, increased, SB 2086, Sub SB 2086

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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- State patrol chief, commissioned officers, investigative personnel, compensation rates determination authority, SB 2328
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- Surveys, public employees, fringe benefits, *Sub SB 2383, CH. 152X, P.V.
- Surveys, public employees, incentive pay provisions, SB 2383
- Vendors, payments, not timely, salary warrants, management personnel, social and health services department, withhold, provisions, SB 2207
- Volunteers, public safety officers, local government, minimum wage, exempt, provisions, SB 2080
- Wage claim trust fund established, labor and industries department, SB 2875
- Wages, obligation, employers, private, public, failure to pay, penalty increased, SB 2137

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- Beer, wine, served in containers other than glasses, bottles, allowed, *SB 2175, CH. 9X
- Caskets, price display, required, violations, misdemeanor, SB 2845
- Cigarettes, sales below cost, revenue department applications, required, SB 2931
- Discriminatory boycotts act, enacted, provisions, SB 2905
- Electronic fund transfer systems, financial institutions, point of sale terminals, commercial establishments, authorized, checking, loan accounts, access, SB 2776
- Electronic fund transfer systems, financial institutions, point of sale terminals, commercial establishments, authorized, checking, loan, savings accounts, access, Sub HB 685
- Highway property, tenant priorities, negotiations, SB 2397, *HB 816, CH. 37X
- Hypodermic needles, syringes, prescription required, *Sub HB 508, CH. 249X
- Land, additional improvement costs, payment to developers prohibited, *HB 653, CH. 252X
- Mobile homes, travel trailers, real estate broker's license requirements, *HB 447, CH. 204X
- Motor vehicles, dealers, furnishers of facilities, services, license requirement, *Sub SB 2244 (a), CH. 125X
- Prices, consumer commodities, retail, packages marked in Arabic numerals, SB 3003
- Products liability action, defined, provisions, SB 2744, Sub SB 2744
- Pulltop cans, sale prohibited, penalty, agriculture department notification required, Sub SB 2006
- Securities registration exemptions, certain, license transfer fees established, damages defined, limitations of actions, *HB 618, CH. 172X
- Shellfish, food fish, retail, labeling regulation, HB 484
- Tax, collections, gross, vendors, specified percentage retention, authorized, SB 2366
- Tax, increased, food products exempted, SB 2432
- Tax reform, adequate revenues, support of vital services, equity, combination with other income, fully fund basic education, SB 2945
- Tax structure, single, integrated plan, balanced revisions, SJR 118, SJR 123

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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- Water districts, surplus property, *Sub HB 292(a), CH. 299X

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- Automobile, crimes related to auto industry, adjudged guilty, license provisions, SB 2244, *Sub SB 2244, CH. 125X
- Real estate, cease and desist orders, motor vehicle department director, issuance authorized, violation, grounds. license suspension, revocation, *HB 448, CH. 261X
- Real estate, license fee increased, SB 2315
- Real estate, license requirement revision, temporary permits abolished, *Sub HB 446, CH. 370X
- Real estate, temporary permits abolished, *SB 2315, CH. 24X

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- Advisory council created enhancement program purposes, membership, travel expenses, *3rd Sub HB 1188, CH. 327X
- Blind persons, anadromous license exemption, *3rd Sub HB 1188, CH. 327X
- Charter boat license moratorium, *2nd Sub SB 2104, CH. 106X
- Charter boats, licenses, moratorium, provisions, appropriation, SB 2347
- Enhancement program, budget, conditions, limitations specified, Sub SB 2623
- Enhancement program, purposes, priorities, specified charter, commercial, privilege fees, increased, anadromous license required, penalty, *3rd Sub HB 1188, CH. 327X
- Facilities, general obligation bonds, bond anticipation notes, issuance authorized, *Sub HB 1184, CH. 308X
- Federal court decisions, affect, SB 3071, *Sub SB 3071, CH. 230X
- Fish sales tax, original receiver, schedule, *3rd Sub HB 1188, CH. 327X
- Fisheries, compacts, abstention until Indian fishing rights litigation settled, directed, SCR 115
- Fisheries policy, new, established, SB 3024, Sub SB 3024
- Fishing, commercial, gear reduction program, updated, extended, SB 3071, *Sub SB 3071, CH. 230X
- Fishing, commercial, regulated licensing program, limited entry board created, provisions, appropriation, SB 2103
- Fishing, commercial, regulated licensing program, provisions, appropriation, SB 2104, Sub SB 2104
- Harvest, optimum allocation standards, established, SB 3072
- License, commercial, revocation provisions, Sub HB 534
- Rearing facilities, release-recapture, private ownership, pilot program, authorized, appropriation, Sub HB 261

SAMPSON, MEL

- Yakima valley community college, trustees board, member, GA 40, confirmed pp. 142, 348, 627

SANDISON, SENATOR GORDON

- Appointed, committee on rules, *SR 1977-15 p. 723
- Fisheries department, director, GA 135, confirmed pp. 3096-3099

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

SANDISON, SENATOR GORDON—cont.

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committee on ways and means; rules p. 2980

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Superior court judges, number increased, SB 2118, *Sub SB 2143, CH. 311X
Superior court judges, number increased, appropriation, *Sub SB 2143(a), CH.
311X

SAVINGS AND LOAN ASSOCIATIONS

Banking supervisor, general administration department, examination reports, confidentiality requirements, violation, penalty, *Sub HB 384, CH. 245X
Checks, negotiable orders of withdrawal, provisions, Sub HB 726, SB 2774
Credit transactions, marital status consideration prohibited, SB 2469, *Sub HB 323, CH. 301X
Division supervisors' assistants, appointments, general administration director, authorized, *Sub HB 1266, CH. 185X
Electronic fund transfer system authorized, SB 2774
Electronic fund transfer systems, point of sale terminals, commercial merchandise, service establishments, authorized, checking, loan accounts, access, SB 2776
Electronic fund transfer systems, point of sale terminals, commercial merchandise, service establishments, authorized, checking, loan, savings accounts, access, Sub HB 685
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Financial institutions disclosure act, enacted, SB 2469, Sub *HB 323, CH. 301X
Loan authority increased, Sub HB 726, SB 2774
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Residential dwellings, loan practices, disclosure, geographical discrimination prohibited, SB 2469, *Sub HB 323, CH. 301X
Salaries, wages, local government employees, direct bank deposits permitted, *Sub HB 512, CH. 269X

SCANLAN, MALACHY

Public disclosure commission, member, GA 56, confirmed . . . pp. 418, 1078, 2055

SCHEYER, WILLIAM J.

Peninsula community college, trustees board, member, GA 65, confirmed pp. 774, 800, 913-914

SCHIRMER, MRS. JO ANN

Walla Walla community college, trustees board, member, GA 62, confirmed . pp. 760, 882, 913

SCHOENFELD, BEVERLY A.

Green river community college, trustees board, member, GA 27, GA 93, confirmed pp. 138, 193, 255; 855, 883, 930

SCHOOL DIRECTORS

Associated student body program fund, nonassociated student body program fund moneys, held in separate accounts within fund, permitted, *Sub SB 2811, CH. 160X
Association, motor vehicles, marked in conformance with law, provision, HB 213
Basic program of educational financial equalization act, provisions, SB 2428

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.
(a) Amendment to original bill.
SR Senate Resolution.
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SCHOOL DIRECTORS—cont.

- Citizens for fair school funding basic program of education act, financial equalization, minimum standards, weighted pupil enrolled basis, levy provisions, SB 2424
- Citizens for fair school funding educational accountability act, performance criteria, instructional hours, curriculum standards, information availability, provisions, SB 2423
- Classroom visitations, parents, guardians, custodians, reasonable written policies, availability, Sub SB 2076
- Fees, schools, cultural, social, recreational, athletic events, low income persons, age sixty-five or older, reduced, waived, *HB 583, CH. 170X

SCHOOLS AND SCHOOL DISTRICTS

- Admission qualifications, preschool, kindergarten, first grade, state board of education, rules adoption authorized, HB 358, SB 2269
- Aliens, teachers, certification permitted, *SB 2185(a), CH. 340X
- Aliens, teachers, certification restriction removed, *SB 2185, CH. 340X
- Aliens, teachers, exchange, temporary permits, *SB 2185(a), CH. 340X
- Allocation, funds, plant facilities, statutory direction, *Sub SB 2889, CH. 227X
- Associated student body program fund, nonassociated student body program fund moneys, held in separate accounts within fund, permitted, *Sub SB 2811, CH. 160X
- Basic education act, enacted, *Sub HB 960(a), CH. 359X
- Basic education, financing, support, cost-of-living provision, definition provisions, SB 2492
- Basic education, state funding purposes, defined, SB 3020
- Basic program, educational financial equalization act, provisions, SB 2428
- Bilingual instruction act, enacted, appropriation, Sub HB 480, SB 2837
- Bonds, general obligation, approval, three-fifths of electors, irrespective of total number of votes cast in last general election, Sub HJR 42
- Books, equipment, surplus, private schools availability, written notice, Sub SB 2372, *Sub HB 656, CH. 303X
- Books, equipment, surplus, public agencies, private schools availability, provisions, SB 2372
- Buildings, remodeling, construction disputes, advisory council approval, SB 2305
- Bus stops, highways, certain, stopping revision, HB 758
- Buses, new, over specified length, three axles required, *Sub SB 2530, CH. 64X
- Buses, warning lights, use limitation removed, *HB 12, CH. 45
- Career education, testing, counseling, workshops, appropriation, SB 2511
- Citizens educational disciplinary, created, membership appointments, powers, duties, SB 2915
- Citizens for fair school funding basic program of education act, financial equalization, minimum standards, weighted pupil enrolled basis, levy provisions, SB 2424
- Citizens for fair school funding educational accountability act, performance criteria, instructional hours, curriculum standards, information availability, provisions, SB 2423
- Classroom visitation rights, mandated, oral notice, number limitation, provisions, SB 2459

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Classroom visitations, parents, guardians, custodians, school boards, reasonable written policies, availability, Sub SB 2076
- Classroom visitations, parents, guardians, custodians, written rules, regulations, availability, SB 2076
- Collective bargaining, employees, impasse mediation, fact finding, arbitration procedures, revised, SB 3045
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- Cosmetology, facilities requirements, *HB 649, CH. 310X
- Cosmetology, instructors on duty, number requirement removed, HB 242
- Desegregation, first class, 50,000 or more pupils, detailed analysis, fiscal plan submitted to superintendent of public education, desegregation program, levy reduction, provisions, appropriation, SB 2115, Sub SB 2115
- Desegregation, students, personal service contracts, authorized, appropriation, SB 3065
- Desegregation, voluntary, first class, 50,000 or more pupils, AA counties, subject to federal order prohibiting distribution of federal funds, superintendent of public instruction, appropriation, SB 2030
- Director districts, division mandated, director election provisions, SB 2191
- Education act, *Sub HB 960, CH. 359X
- Educational clinics, proprietary, dropouts, certification, services, fees, state aid authorized, *2nd Sub SB 2232, CH. 341X
- Educational clinics, proprietary, dropouts, certification, services, fees, state aid authorized, appropriation, Sub SB 2232
- Educational clinics, provisions, state aid authorized, SB 2232
- Educational service districts, basic core services, designated, budget purposes, Sub HB 681
- Educational service districts, basic core uniform services, authorized, *Sub SB 2810, CH. 283X
- Educational service districts, board members, elected by school directors, provisions, SB 2320
- Educational service districts, powers, duties expanded, Sub HB 681
- Educational service districts, powers, duties, provisions, SB 2321
- Educational structure and management, created, membership, duties, appropriation, Sub HB 1277
- Education for all handicapped children act of 1975, public law 94-142, state compliance, SCR 119
- Employees, certificated, contract status, adverse change, hearings procedures, attorney's fees, SB 2245, *Sub SB 2245, CH. 7X
- Employees, first class, collective bargaining rights, SB 2449
- Employees, title only, SB 2888
- Facilities, cost stabilization program established, appropriation allocation limitation, *SB 2570, CH. 89X
- Federal programs, requirements, new, changed, legislative review, financial impact determination, required, SCR 119
- Fees, cultural, social, recreational, athletic events, low income persons, age sixty-five or older, reduced, waived, *HB 583, CH. 170X
- Fuel use, motor vehicles, all purposes, tax exempt, SB 2128
- Fund distribution, equalization plan, provisions, SB 2518

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Funding, financial equalization, apportionment formula calculation, special programs, SB 2567
- Funding, financial equalization, minimum standards, weighted pupil enrolled basis, levy provisions, SB 2424
- Funding, performance criteria, instructional hours, curriculum standards, information availability, provisions, SB 2423
- Funds, allocation, plant facilities, statutory direction, *Sub SB 2889, CH. 227X
- Gifted children division, established, SB 2307
- Holiday, floating, certain faculty, excluded, *Sub SB 2399, CH. 111X
- Holiday, floating, employees, excluded, *Sub SB 2399(a), CH. 111X
- Holidays, title only, SB 2892
- In-service training act, enacted, *Sub HB 470, CH. 189X
- Insurance, students, school and district activities, requirement provision, premiums, payment by district, allowed, *Sub HB 737, CH. 255X
- Interstate compact, school bus safety, enacted, *SB 2437, CH. 88X
- Learning objectives, grades K-12, mandated, appropriation, *Sub HB 697, CH. 305X
- Learning objectives program, implementation, review, grades 9-12, inclusion, planning, development, appropriation, Sub SB 2952
- Learning objectives program, implementation, review, grades 9-12, inclusion, planning, development, provisions, SB 2952
- Levies, excess, approval, three-fifths of electors, irrespective of total number of votes cast in last general election, Sub HJR 42
- Levies, excess, equalization, school support purposes, authorized, SJR 103
- Levies, excess, limitations, HB 1086(a), Sub SB 2700, *Sub SB 2697, VETOED
- Levies, excess, two year period, implemented, additional levy limitation, ballot language, Sub HB 196, SB 2056, *Sub SB 2056, CH. 4
- Levies, title only, SB 2694, SB 2695
- Management teams, established, formulate policies, negotiations, SB 2855, *Sub HB 880, CH. 272X
- Nutrition program, superintendent of public instruction, provisions, SB 2471
- Parents' rights, childrens' instructional material availability, new course notification, provisions, SB 2618
- Personnel, certified, in-service training program, fund provisions, SB 2832
- Population classification, class AA counties, certain first class districts, revised, Sub SB 2809
- Preschool education advisory committee, created, state board education rules, authorized, SB 2847
- Preschools, nongovernmental, certain, defined, unemployment compensation provisions, exempt, Sub HB 51
- Principals, assistants, duties, powers, SB 2855, *Sub HB 880, CH. 272X
- Private, inter-school transfers, ancillary service provisions, SB 2373, Sub SB 2373
- Property taxes, real, personal, increased, excess levies, equalization, school support purposes, authorized, SJR 103
- Proven educational practices, PEP, act, enacted, appropriation, Sub HB 1203
- Public works, improvements, repairs, district shop and repair department, authorized, bids, provisions, SB 2138

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(a) Amendment to original bill.

SR Senate Resolution.

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SCHOOLS AND SCHOOL DISTRICTS—cont.

- Remedial reading program, grades 2-6, establishment required, appropriation, 2nd Sub HB 1147
- Residential, placement, hearings, review procedures, revised, Sub HB 854
- Sabbatical, other leaves, rules, regulations, legislative approval, rejection, modification, required, provisions, SB 2414
- School accreditation, title only, SB 2890
- State residential, nonresident persons, costs, payment in advance provision, SB 2391
- State residential, title only, SB 2760
- Strikes, work slow downs, other activities, employees, school district rights, provisions, SB 2442
- Student employees, minimum wage law, exemptions, SB 2562
- Students, learning, language disabilities, expunging report provision, HB 477
- Student transfer decisions, appeals procedures, *Sub HB 291, CH. 50
- Student transfers, board of directors, rules, regulations, SB 2405, Sub SB 2405
- Summons, actions, superintendent served, *SB 2831, CH. 120X
- Superintendent candidates, employment interview, actual and necessary expenses, payment provisions, *HB 216, CH. 73
- Superintendent credentials, state board of education determination, SB 2735
- Tax reform, adequate revenues, support of vital services, equity, combination with other income, fully fund basic education, SB 2945
- Tax structure, single, integrated plan, balanced revisions, SJR 118, SJR 123
- Taxes, property, exemption, cessation, recapture, SB 2362, *Sub HB 741, CH. 209X
- Taxes, property, state collected, fiscal year distribution, inclusion, Sub SB 2702
- Teachers, aliens, certification permitted, *SB 2185(a), CH. 340X
- Teachers, aliens, certification restriction removed, *SB 2185, CH. 340X
- Teachers, aliens, nonimmigrant, exchange, temporary permits, *SB 2185(a), CH. 340X
- Teachers' retirement system, revised, established, *Sub HB 866, CH. 293X
- Term, August commencement, SPI, funds allocation, *SB 3068, CH. 286X
- Thermal power electric generating facilities, federal, utility privilege tax distribution formula, *Sub HB 3, CH. 366X
- Timber tax, account B eliminated, reserve account, general fund, created, SB 2823
- Timber tax, account deposits, level rate, specified period, reserve account provisions, Sub HB 773, SB 2714(a), *Sub SB 3054, VETOED
- Timber tax, assessment extension, Sub HB 773, SB 2714(a), *Sub SB 3054, VETOED
- Timber tax, certain revenues, school support, SB 2823
- Timber tax, counties, assessment ratios, specified years, modified, SB 2823
- Timber tax, distribution modified, SB 3054
- Timber tax, support, state treasurer, quarterly payments, general fund, required, Sub HB 773, SB 2714(a), *Sub SB 3054, VETOED
- Timber tax, surplus moneys, reserve account, distribution prescribed, Sub HB 773, SB 2714(a), SB 3054, *Sub SB 3054, VETOED
- Traffic safety education courses, general revisions, *SB 2067, CH. 76

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

SCHOOLS AND SCHOOL DISTRICTS—cont.

- Transportation program, students, not operating specified period 1976-77 school year, funds, private sources, raised by certain period, superintendent of public instruction, appropriation, *SB 3019, CH. 12X
- Transportation, route approval, reimbursement implementation, SB 2201
- Transportation, title only, SB 2891
- Unemployment compensation, student disqualification, *Sub HB 563(a), CH. 33X
- Veterans' day, program honoring, school day before, *SB 2831, CH. 120X
- Visitations, classrooms parents, guardians, custodians, school boards, reasonable written policies, availability, Sub SB 2076
- Visitations, classrooms, parents, guardians, custodians, written rules, regulations, availability, SB 2076

SCHOOLS - PRIVATE

- Books, equipment, public schools surplus availability, SB 2372
- Books, equipment, public schools surplus availability, written notice, Sub SB 2372, *Sub HB 656, CH. 303X
- Educational clinics, proprietary, dropouts, certification, services, fees, state aid authorized, *2nd Sub SB 2232, CH. 341X
- Educational clinics, proprietary, dropouts, certification, services, fees, state aid authorized, appropriation, Sub SB 2232
- Inter-school transfers, ancillary service provisions, SB 2373, Sub SB 2373
- Preschools, certain, defined, unemployment compensation provisions, exempt, Sub HB 51
- Securities registration exemption, filing fee, *Sub HB 340, CH. 188X

SCHUSTER, JACK

- Skagit valley college, trustees board,
member, GA 33, confirmed pp. 140, 193, 258

SCOTT, SENATOR GEORGE W.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Pilotage commission, revisions, Sub SB 2549, *SB 2042(a), CH. 337X, P.V.
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- Pilots, pilotage readiness requirements, provisions, HB 671
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- Residences, single family, certain, shorelines management, development provisions, excluded, SE 3000
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(a) Amendment to original bill.

SR Senate Resolution.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Keys, custody with facilities, operations committee,
 - *SR 1977-118 p. 3095
- National conference state legislatures, attendance authorized, regular per diem, actual expenses allowed,
 - *SR 1977-118 p. 3095
- Retain employees, rate established together with facilities, operations committee,
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- Basic juvenile court act, enacted, *3rd Sub HB 371(a), CH. 291X
- Blind commission established, duties transferred, SB 2332, *HB 424, CH. 40X
- Child welfare services, continuation to age twenty-one, authorized, HB 819, SB 2390
- Children, dependent, support, claims, collection, reimbursement, responsible persons, procedures, Sub SB 2983
- Civil commitment law, terms, provisions, revisions, Sub HB 288
- Commitment, incompetent, developmentally disabled persons, procedures established, involuntary detention, treatment facilities, requirements, *Sub HB 183, CH. 309X
- Correction, detention facilities, capitol improvements, general obligation bonds, bond anticipation notes, issuance authorized, HB 1252
- Corrections department, adult, established, powers, duties, transferred, SB 2033

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

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- Developmental disabilities division, established, duties, SB 2843, Sub SB 2843
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- Facilities, capital improvements, general obligation bonds, bond anticipation notes, issuance authorized, SB 2235, *Sub SB 2235, CH. 342X
- Food stamp program, household eligibility provision repealed, SB 2393
- Foster grandparent, senior companion, RSVP, expansion provisions, *2nd Sub HB 251, CH. 321X
- Groups training homes, payment, full time operating basis, required, SB 2127
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- Handicapped persons, law against discrimination, extended, HB 812, SB 2861
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- Jail commission, established, powers, duties appropriation, SB 2040, *2nd Sub SB 2040, CH. 316X
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- Jails, cities, counties, program, minimum state-wide standards, appropriation, SB 2040, *2nd Sub SB 2040, CH. 316X

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(a) Amendment to original bill.

SR Senate Resolution.

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- Juvenile probation services, counties, support revisions, SB 2406
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- Laboratory revolving fund, created, fee establishment, collection provisions, SB 2389
- Laboratory tests, phenylketonuria, heritable, metabolic disorders, fees, establishment, collection, authorized, Sub SB 2389
- Liquor revolving fund, disbursement, provisions, SB 2506, Sub SB 2506
- Motor vehicle operators, DWI, treatment programs, penalty schedules, Sub HB 249
- Municipal health department funding, appropriation, SB 2615, Sub SB 2615
- Northern state hospital, development, program, use, minimum security correction facility, adult offenders, transferred, SB 2280
- Nursing home advisory council, membership, increase, appointment provisions, HB 595
- Nursing homes, audits, unreasonable rates, costs, refund provisions, SB 2742
- Nursing homes, civil penalty system, regulations, adoption directed, *Sub HB 348, CH. 244X
- Nursing homes, licenses, requirements, revocations, procedures, SB 2617
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- Nursing homes, nursing care, employees, rate reimbursement, SB 2351
- Nursing homes, patient assessment system, implementation directed, *Sub HB 348, CH. 244X
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- Nursing homes, revised standards, health board adoption, directed, *Sub HB 348, CH. 244X
- Ombudsman, state office, disabled citizens, created, SB 3032
- Public assistance, hearing procedures, SB 2394
- Public assistance medical services, certain, social and health services department, reimbursement authorized, SB 2911
- Public assistance, recipients, income, not below poverty level, consumer price index, standards, SB 2874
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- Residential care facilities, rate setting authority, established, Sub SB 3100
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- Senior citizens care, alternative services, revisions, SB 2401
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- Septic tank failures, corrections, alternative systems, certain, local health boards, authorized, plumbing code waivers, *Sub SB 2638, CH. 133X
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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

SOCIAL AND HEALTH SERVICES DEPARTMENT—cont.

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- Special supervision program, juvenile probation, state aid, report to legislature, *2nd Sub HB 874(a), CH. 307X
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- Unemployed, employable persons, general assistance, continuation provisions, SB 2876
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- Vendors, payments, not timely, salary warrants, management personnel, withhold, provisions, SB 2207
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- Vocational rehabilitation advisory committee created, membership, duties, SB 3031
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- Benefits, state supplemental amounts, increased, SB 2501
- LEOFF system, members, coverage, referendum, Sub SB 2584

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- Licensing, workers, motor vehicle department, regulation, Sub HB 538, SB 2942

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- Devices, alternative energy source conversion, new, existing single family dwellings, sales, use tax exempt, Sub SB 2186
- Devices, heating equipment, used in new construction, energy savings improvements, sales, use tax exempt, SB 2186
- Devices, operations, research, development, provisions, SB 2609
- Devices, systems, property tax exemption, *2nd Sub HB 388, CH. 364X
- Heating, equipment used in new construction, energy savings improvements, sales, use tax exempt, SB 2186

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- Residents, financial domiciliary, medical care provisions, revisions, SB 2101, *Sub HB 125, CH. 186X
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- Funds, regulation, revisions, *SB 2429, CH. 222X

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- Advisory committee, technical corrections, *HB 177, CH. 10
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- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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SOYBEANS

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Bilingual instruction act, enacted appropriation, Sub HB 480, SB 2837

SPEECH PATHOLOGISTS

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 Speech pathologist, audiology examiners board, created, membership, terms, duties, SB 2050, *2nd Sub HB 391, VETOED

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 Superior court judges, number increased, appropriation, *Sub SB 2143(a), CH. 311X

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Alcoholic beverages, sports arenas, race tracks, spectator seating area, hawking prohibited, SB 2741
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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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- Oath of office administered, Robert V. "Bob" Graham, joint session p. 43
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- Tort claims, filing location, transferred, chief fiscal officer, *Sub HB 395, CH. 144X
- Tort claims, state government, procedural revisions, statutory duties modified, *Sub HB 395, CH. 144X

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- Actuary, legislative processing, executive request advice, procedures, *SCR 105
- Administrative decisions, judicial review, additional parties, joint filing requirement, *SB 2295, CH. 52X
- Administrative rules review, appropriate legislative committee, procedures, established, SB 2119
- Agencies, abolishment procedures established, *Sub SB 2082, VETOED
- Agencies, abolishment procedures established, certain abolished, SB 2082, *Sub HB 564, CH. 289X
- Agencies, certain, abolished, HB 64
- Agencies, decisions, contested, appeals court review provisions, SB 2299
- Agencies, legislative, administrative rules review joint committee, proposed rules, procedures, provisions, SB 2568
- Agencies, regulatory, state, termination, continuation, reestablishment provisions, SB 2043
- Agencies, reports, requirements, general revisions, *SB 2133, CH. 75, P.V.
- Agencies, review procedures, provisions, terminated, SB 2082
- Agencies, rule-making, specific reference to appropriate section of revised code of Washington, required, SB 2131
- Agency rules, promulgated, statement of purpose, implementation, provisions, SB 2129, *Sub SB 2129, CH. 84X
- Arbitration, fact finding costs, public employees, shared by parties involved, SB 2496
- Attorney general, powers redefined, departments, boards, commissions, attorneys, employment, authorized, SB 2213
- Attorneys' fees, judgments, suits instituted by state, payment provision, SB 3039
- Bicycles, facilities development, registration requirement, fee allocation, provisions, Sub SB 2363
- Bicycles, facilities development, registration requirement, provisions, SB 2363
- Bicycling, state coordinator, traffic safety commission, authorized, appropriation, HB 708, SB 2360
- Blind commission established, duties transferred from social and health services department, SB 2332, *HB 424, CH. 40X
- Bomb threats, governmental property included, penalty increased, *Sub SB 3105, CH. 231X
- Bonds, refunding provisions, revised, *HB 1264, CH. 262X
- Budget, capital improvements, appropriation, 1977-79 biennium, SB 2054

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(a) Amendment to original bill.

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- Budget, employees, officers, certain, budgetary violations, certain cases, civil penalty, established, SB 2168, *HB 236, CH. 320X
- Budget, expenditures based on anticipated revenues, format requirements, *Sub HB 402, CH. 247X
- Budget, omnibus appropriation, 1977-79 biennium, SB 2053, SB 3109, *Sub SB 3109, CH. 339X, P.V.
- Budget, supplemental, appropriation, 1975-77 biennium, SB 2051, *Sub HB 169, CH. 1
- Budget, supplemental, submission prior to session, *Sub HB 402, CH. 247X
- Business inspections, select joint committee, legislation development, elimination, consolidation, modification, unnecessary, duplication, established, Sub HB 908
- Businesses, activities, regulation, judicial procedures required, SB 2610
- Capital improvements budget, state, 1977-79 biennium, appropriations, SB 3110, *Sub SB 3110, CH. 338X, P.V.
- Capitol committee, state office buildings, other facilities, construction, remodeling, furnishing, approval required, Sub SB 2008
- Capitol committee, state office buildings, other facilities, construction, remodeling, furnishing, approval required, referendum provision, SB 2008
- Citizens' affairs, governor's office created, membership, duties, recommendations, SB 2559, Sub SB 2559, 2nd Sub SB 2559
- Civil service employees, training, career development program, provisions, appropriation, 2nd Sub HB 63
- Civil service system, merit principles enumerated, number of applicants, highest qualified, increased, provision, SB 2388
- Claims, attorney fees, costs, time expended basis, authorized, SB 2827
- Collective bargaining agreement, public employer, rules and policies, subordinate, provisions, HB 10
- Columbia river gorge, environmental protection, permits, variances, issuance, *Sub SB 2634, CH. 132X
- Corrections department, adult, established, powers, duties, transferred, SB 2033
- Cost data reports, boards, commissions, committees, councils, program planning fiscal management office, required, *HB 69, CH. 23
- Council, western conference, meeting legislative invitation in Washington, extended, *SCR 110
- Credit transactions, federal, state duplication, elimination regulations, SB 2670
- Debt limitation, percentage decrease, SJR 109
- Dental care, state employees' insurance board, state patrol commissioned officers, inclusion, SB 2850
- Disciplinary action, appeals, personnel board, time limit extended, Sub HB 1021
- Discriminatory boycotts act, enacted, provisions, SB 2905
- District court judges association established, SB 2311
- District court judges association established, contingent, passage proposed new judicial article, SB 2934
- District courts, uniform state-wide system, established, contingent, passage proposed new judicial article, SB 2934
- Economic impact, agency rules, proposed, public notice required, SB 2046
- Education for all handicapped children act of 1975, public law 94-142, state compliance, SCR 119

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(a) Amendment to original bill.

SR Senate Resolution.

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- Employees, arbitration, fact finding costs, shared by parties involved, SB 2496
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 Employment security records, access, disclosure, confidentiality regulations, *SB 2426, CH. 153X
 Energy conservation, energy office, program development, update, statewide, directed, Sub SB 2818
 Energy conservation, services, materials, state, local government, lending of credit, permitted, Sub SJR 116
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 Financial management office, name change from office program planning and fiscal management office, *SB 2400(a), CH. 114X
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 Forest practices appeals board abolished, duties transferred, pollution control board, SB 3055
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 Historic structures, agency housing, consideration, use, parks, recreation commission, identification, general administration department, preference, provisions, *SB 2512, VETOED
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 Holidays, falling on Saturday, preceding Friday, legal holiday, SB 2399, *Sub SB 2399, CH. 111X
 Industrial insurance, third party, actions, state participation increased, provisions, SB 2154, *Sub SB 2154, CH. 85X
 Information toll free telephone service, all governmental processes, provisions, SB 2838
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 LEOFF system, members, social security coverage, referendum, Sub SB 2584
 Licensing department, name change from motor vehicles department, powers, duties transferred, *Sub SB 2558, CH. 334X
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(a) Amendment to original bill.

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- Mandatory retirement, employees under age seventy years, prohibited, waiver, conditions, SB 2422
- Mileage allowance, officials, employees, increased, SB 2267
- Mileage allowance, officials, employees, OPP&FM, establishment provisions, Sub SB 2267
- Minority affairs commission, established, 2nd Sub SB 2559
- Motor vehicles department, name changed to department of licensing, powers, duties, transferred, *Sub SB 2558, CH. 334X
- Multistate tax compact, repealed, SB 2673
- Nuclear energy development division, commerce and economic development department, abolished, radioactive waste disposal duties transferred, 2nd Sub HB 67
- Officials, appointed, financial disclosure provisions, HB 1293, SB 2289
- Officials, per diem, higher rate, adequate justification, SB 2912
- Ombudsman, state office, disabled citizens, created, SB 3032
- Parking garage, visitors, state library parking lot site, construction, general obligation bonds, bond anticipation notes, issuance authorized, appropriation, HB 716
- Parking garage, visitors, west capitol campus, construction, general obligation, anticipation notes, issuance authorized, appropriation, HB 716(a)
- Per diem, officials, employees, increased, SB 2268
- Per diem, OPP&FM, rate establishment authority, *Sub SB 2268, CH. 312X
- PERS, board, state officials designate representatives, provisions, SB 2099
- PERS, employees, twenty years service, eligibility provisions, SB 2551, SB 2665
- PERS, general revisions, SB 2474
- PERS, revised, established, *Sub HB 865, CH. 295X
- Personal information collected, misuse, prohibited, penalty, certain disclosure, permitted, SB 2140, Sub SB 2140
- Personal information systems, governmental, individual sensitivity rights, regulation, SB 2674
- Personal information systems, individual's rights, SB 2035, Sub SB 2035
- Personal service contracts, legislative budget committee, reports, provisions, Sub HB 1323
- Personal services contracts, defined, state officers, executive, judicial branches, office program planning fiscal management, review provisions, SB 2327
- Personal services contracts, outside employment, state employees, public disclosure reports, office program planning fiscal management, required, provisions, SB 2326
- Personnel administration, director, governor's representative, advisory council, establishment, membership, authority, SB 2388
- Personnel department, executive branch, duties transferred, SB 2017
- Printing and duplicating management center, general administration department, established, printing, duplicating committee, powers, duties transferred, *SB 2166, CH. 86X
- Printing, public, general revisions, HB 235, SB 2165
- Professional services consultants, agencies, state, local, needed, announcement publication, required, contracts, nondiscrimination clause, SB 3062

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(a) Amendment to original bill.

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- Program planning and fiscal management office, name changed, office of financial management, *SB 2400(a), CH. 114X
- Program planning and fiscal management office, name changed, office of fiscal management, *SB 2400, CH. 114X
- Program planning and fiscal management office, title only, SB 2534, SB 2547
- Railroad employees safety inspections transferred to labor and industries department, HB 429
- Register, created, agency rules, statute law committee publication, appropriation, SB 3067, Sub SB 3067, *2nd Sub SB 3067, CH. 240X
- Regulatory reform act, enacted, *Sub SB 2082, VETOED
- Reorganization, provisions, SB 2913
- Reports, publications, printing, distribution, limitations, regulations, SB 2121, *Sub SB 2121, CH. 232X
- Retirement systems, dual members, governing rules, Sub SB 2584
- Risk management office, general administration department, created, duties, *Sub HB 531, CH. 270X
- Salary surveys, public employees, fringe benefits, *Sub SB 2383, CH. 152X, P.V.
- Salary surveys, public employees, incentive pay provisions, SB 2383
- Single health care plan, employees' insurance board, recreated, SB 2851, *Sub SB 2851, CH. 136X
- State buildings, acquisition, construction, remodeling, bond financing, SB 2271
- Sunset act, enacted, *Sub HB 564, CH. 289X
- Support, title only, SB 2681, SB 2682, SB 2713
- Surplus property, federal, purchase procedures, *SB 2747, CH. 135X
- Tax refunds, interest rate increased, SB 2381
- Title only, SB 2144, SB 2535, SB 2536, SB 2585, SB 2679, SB 2683, SB 2703, SB 2965, SB 2978, SB 2986, SB 3105, SB 3106
- Tort claims, procedural revisions, *Sub HB 395, CH. 144X
- Tort claims, revolving fund, reimbursement, appropriation, SB 3010, *Sub SB 3010, CH. 228X
- Transportation department, created, certain agencies abolished, powers, duties, transferred, Sub HB 718, SB 2924, *Sub SB 2924, CH. 151X, P.V.
- Unemployment compensation, public employing units, liability for contractor contributions, SB 2427, *HB 495, CH. 73X
- Variable gas tax, limitations, use, *Sub SB 2537, CH. 317X
- Volunteers, minimum wage exemption, *HB 104(a), CH. 69X
- WAC rules, amendments, bill drafting style, language alternatives required, *Sub SB 2130, CH. 19
- WAC rules, amendments, bill drafting style, required, SB 2130
- Women's commission created, appropriation, SB 2309, *2nd Sub HB 449, CH. 288X
- Workmen's compensation information office, labor and industries department, created, provisions, SB 2350

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- American revolution bicentennial commission, abolished, duties transferred, state historical society, *SB 2029, CH. 17X

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- Campsite reservation system, established, provisions, appropriation, HB 37

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(a) Amendment to original bill.

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- Guide, comprehensive, public parks, recreation sites, outdoor recreation, interagency committee, preparation, production, distribution provisions, HB 917, SB 2946
- Leases, concessions, longer period permitted, HB 229, *SB 2114, CH. 123X
- Moorage fees, marine state parks, permitted, Sub HB 44
- Outdoor marine facilities account, created, Sub HB 44
- Rangers, mounted, pilot program established, Lake Chelan, Sammamish, appropriation, HB 41
- Sun lakes state park, golf course, Rainbow lake, renamed Vic Meyers golf course, lake, *HB 285(a), CH. 266X
- Sun lakes state park, renamed Victor Aloysius Meyers state park, *HB 285, CH. 266X
- Urban areas, planning authorized, Sub HB 43
- Use, maximum level, regulation, provisions, HB 42

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- Arson investigation, identification section records, fire marshal access, *HB 199, CH. 30X
- Blood samples, traffic fatalities, state reports required, use as evidence permitted, *SB 2254, CH. 50X
- Chief, commissioned officers, investigative personnel, compensation rates determination authority, SB 2328
- Collective bargaining, public employees, inclusion, provisions, HB 38, SB 2077
- Dental care, commissioned officers, inclusion, SB 2850
- Driver's license, testing, motor vehicles department, statute updated, SB 2058
- Insurance abstracts, driving record, line of duty accidents, excluded, *Sub SB 3098, CH. 140X
- Motor vehicle accidents, written reports, damage amount increased, financial responsibility requirements revised, *HB 727, CH. 369X
- Property, real, Benton county, sale, lease, exchange, authorized, *HB 694, CH. 191X
- Retirement allowance, group insurance policies, deductions authorized, *HB 778, CH. 256X
- Retirement system, cadet service, training program, credit established, HB 1221
- Retirement system, comprehensive, created, SB 2950
- Vehicle removal authority, *Sub HB 228, CH. 167X

STATE REGISTER

- Agency rules, statute law committee, publication, appropriation, SB 3067, Sub SB 3067, *2nd Sub SB 3067, CH. 240X

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- Documents, records, fees increased, SB 2319

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- Oath of office administered, Bruce K. Chapman, joint session p. 43

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- Copyright law violators, license rate establishment, *SB 2055, CH. 82X
- Deposit interest fund, designated, account general fund, *SB 2096, CH. 17

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

- STATE TREASURER (See also Treasurer, State; also O'Brien, Robert F.)—cont.**
 Finance committee, PERS, investments, authority, provisions, SB 2336, Sub SB 2336
 Fuel excise tax, motor vehicle department, computation, distribution, *Sub SB 2537, CH. 317X
 Funds, certain, transfer directed, *Sub SB 2681, CH. 65X
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- Mother Joseph, erection in statuary hall, national capitol committee appointment, Sub HB 574, SB 2431, *Sub SB 2431, CH. 13X

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- Register, created, agency rules, publication, appropriation, Sub SB 3067, *2nd Sub SB 3067, CH. 240X
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- Fisheries compacts, abstention until Indian fishing rights litigation settled, directed, SCR 115
 Fisheries policy, new, established, SB 3024, Sub SB 3024

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- Shoreline community college, trustees board, member, GA 80, confirmed pp. 836, 883, 919

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- Centralia community college, trustees board, member, GA 101, confirmed . . . pp. 975-976, 1133, 2056

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- Services, counties, application, payment, assessment, reimbursement provisions, revised, *HB 55, CH. 22

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- Arterial construction, long range plans, requirement eliminated, HB 922

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(a) Amendment to original bill.

SR Senate Resolution.

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Curb ramps, sidewalks, general administration department, model design standards not uniquely dangerous to blind persons, adoption, *Sub HB 821, CH. 137X, P.V.

Guideposts, repealed, HB 141, *SB 2066, CH. 14

Traffic restrictions, highway closures, methods, modified, *SB 2486, CH. 216X

Urban arterial trust funds, cities over 300,000, obligation extended, *SB 2439, CH. 214X

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School district rights, employee strikes, work slow downs, other activities, provisions, SB 2442

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Bond requirement, increase in mining area, modified, *SB 2181, CH. 66

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Books, equipment, public schools surplus, private schools availability, written notice, Sub SB 2372, *Sub HB 656, CH. 303X

Career education, testing, counseling availability, provisions, SB 2511

Classroom visitations, parents, guardians, custodians, school boards, reasonable written policies, availability, Sub SB 2076

Classroom visitations, parents, guardians, custodians, written rules, regulations, availability, SB 2076

Community college, high school student education completion, waiver provision, SB 2283

Dropouts, educational clinics, proprietary services, fees, state aid authorized, *2nd Sub SB 2232, CH. 341X

Dropouts, educational clinics, proprietary services, fees, state aid authorized, appropriation, Sub SB 2232

Higher education, Viet Nam veterans, tuition, fees, qualification period, benefits, changes, SB 2677

Insurance, school and district activities, requirement provision, premiums, payment by district, allowed, *Sub HB 737, CH. 255X

Learning objectives, grades K-12, mandated, appropriation, *Sub HB 697, CH. 305X

Learning objectives program, implementation, review, grades nine-twelve, inclusion, planning, development, appropriation, Sub SB 2952

Learning objectives program, implementation, review, grades nine-twelve, inclusion, planning, development, provisions, SB 2952

Medical, certain, foreign-trained, University of Washington medical school, clinical training, transfer programs, establishment procedures adopted, *HB 271, VETOED

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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- Minimum wage, educational institution, employees, exemptions, SB 2562
- Private schools, inter-school transfers, ancillary service provisions, SB 2373, Sub SB 2373
- Reading, standardized comprehensive test, grades 2-6, SPI, administration required, 2nd Sub HB 1147
- School, learning, language disabilities, expunging report provisions, HB 477
- Traffic safety education courses, general revisions, *SB 2067, CH. 76
- Transfer decisions, appeals procedures, *Sub HB 291, CH. 50
- Transfers, board of directors, rules, regulations, SB 2405, Sub SB 2405
- Tuition, fees, joint program, two or more higher education institutions, *SB 2273, CH. 126X
- Unemployment compensation, disqualification, *Sub HB 563(a), CH. 33X

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- Agriculture, interim, title only, SB 3108
- Energy, water, utilities, evaluation, appropriation, Sub SB 3086
- Energy, water, utilities, interim, title only, SB 3086
- Fiscal, electoral biennia, alternate cycles, legislative familiarization purposes, legislative study, requested, HCR 30
- Fisheries department, legislative interim management, program analysis, authorized, *SCR 123
- Liquified natural gas hazards management, oceanographic commission, appropriation, *SB 3015, CH. 315X, P.V.
- Reciprocity commission, international registration plan fiscal impact, *SB 2189(a), CH. 92X
- Transportation, legislative committees, authorized, *Sub SB 2525, CH. 235X
- Trucking industry, UTC, empty backhaul, Sub HB 1146

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- Land, platted, commercial, industrial, amended plat, filed, subdivision laws, exempted, SB 3076
- Property, transfer, parent, child, spouse, single family residence purposes, permitted, platting, subdivision requirements not applicable, Sub HB 318, SB 2995

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- Banks, trust companies, unsound conditions, officers, directors, removal procedures, injunctive relief, SB 2265, *HB 338, CH. 178X
- Materialmen's liens, notice, personal service on owner, evidenced by signed receipt for materials, *SB 2324, CH. 57X
- School districts, actions against, superintendent served, SB 2831
- Warrant servers, cities over 400,000 positions created, *SB 2081, CH. 108X
- Water rights, summons return time period, service, *Sub HB 1120(a), CH. 357X

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- Agencies, abolishment procedures established, *Sub SB 2082, VETOED
- Agencies, abolishment procedures established, certain abolished, SB 2082, *Sub HB 564, CH. 289X
- Agencies, certain, abolished, HB 64
- Agencies, regulatory, state, termination, continuation, reestablishment provisions, SB 2043
- Agencies, review procedures, SB 2082, *Sub SB 2082, VETOED

* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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Basic education act, enacted, *Sub HB 960(a), CH. 359X

Basic education financing, support, cost-of-living provision, definition provisions, SB 2492

Basic education, state funding purposes, defined, SB 3020

Basic program, educational financial equalization act, provisions, SB 2428

Bilingual instruction act, enacted, appropriation, Sub HB 480, SB 2837

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Desegregation, school districts, first class, 50,000 or more pupils, detailed analysis, fiscal plan submitted to superintendent of public education, desegregation program, levy reduction, provisions, appropriation, SB 2115, Sub SB 2115

Desegregation, voluntary, school districts, first class, 50,000 or more pupils, AA counties, subject to federal order prohibiting distribution of federal funds, appropriation, SB 2030

Desegregation, students, personal service contracts, authorized, appropriation, SB 3065

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Education for all handicapped children act of 1975, public law 94-142, state compliance, SCR 119

Educational clinics, proprietary, certification, services, state aid authorized, appropriation, Sub SB 2232

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Educational clinics, provisions, state aid authorized, SB 2232

Educational service districts, authority delegation, *Sub SB 2810, CH. 283X

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Gifted children division, established, SB 2307

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Job training, employment referral program, vocationally disabled persons, provisions, Sub HB 305

Learning objectives, grades K-12, mandated, appropriation, *Sub HB 697, CH. 305X

Learning objectives program, implementation, review, grades 9-12, inclusion, planning, development, appropriation, Sub SB 2952

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(a) Amendment to original bill.

SR Senate Resolution.

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SUPERINTENDENT OF PUBLIC INSTRUCTION (See also Brouillet, Frank B.)

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- Preschool education advisory committee, created, state board education rules,
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- Private schools, inter-school transfers, ancillary service provisions, SB 2373, Sub
SB 2373
- Proven educational practices, PEP act, enacted, appropriation, Sub HB 1203
- Remedial reading program, grades 2-6, establishment standardized comprehen-
sive test, selection, administration, required, appropriation, 2nd Sub HB 1147
- Salary increased, appropriation, 2nd Sub HB 1321, *2nd Sub HB 1306(a), CH.
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- School certified personnel, in-service training program, fund administration, SB
2832
- School districts, actions against, summons, superintendent served, *SB 2831, CH.
120X
- School districts, first class, certain, class AA counties, population classification,
revised, Sub SB 2809
- School districts, not operating student transportation program, specified period
1976-77 school year, funds, private sources, raised by certain period, appro-
priation, *SB 3019, CH. 12X
- School districts, state collected property taxes, fiscal year distribution, inclusion,
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- School facilities cost stabilization program, established, appropriation allocation
limitation, *SB 2570, CH. 89X
- School fund distribution, equalization plan, provisions, SB 2518
- School levies, approval, three-fifths of electors, irrespective of total number of
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- School term, August commencement, funds allocation, provisions, *SB 3068, CH.
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- Student transfer decisions, appeals, procedures, *Sub HB 291, CH. 50
- Tax reform, adequate revenues, support of vital services, equity, combination with
other income, fully fund basic education, SB 2945
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- Teachers, aliens, certification permitted, *SB 2185(a), CH. 340X
- Teachers, aliens, certification restriction removed, *SB 2185, CH. 340X
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340X
- Traffic safety education, courses, general revisions, *SB 2067, CH. 76
- Transportation, districts not operating student program, specified period 1976-77
school year, funds, private sources, raised by certain period, appropriation,
*SB 3019, CH. 12X
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- Veterans' day, school program honoring, school day before, provision, *SB 2831,
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- * Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.
- (a) Amendment to original bill.
- SR Senate Resolution.
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- School districts, candidates, employment interview, actual and necessary expenses, payment provisions, *HB 216, CH. 73
- School districts, credentials, state board of education determination, SB 2735
- Summons, actions against school districts, superintendent served, *SB 2831, CH. 120X

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- Agencies, administrative decisions, judicial review, additional parties, joint filing requirement, *SB 2295, CH. 52X
- Agencies, state, contested decisions, appeals court review provisions, SB 2299
- Anti-monopoly board, abolished, duties transferred, *SB 2055, CH. 82X
- Arbitration, certain causes, supreme court, uniform rules, adoption required, SB 3061
- Clerk's trust fund, litigants, investments, income, revisions, *SB 2110, CH. 63
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- SR Senate Resolution.
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- Energy, alternative source conversion devices, new, existing single family dwellings, sales, use, Sub SB 2186
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- Imported goods, sale in original, unbroken shipping package, B&O provisions, SB 3075
- Inheritance, federal conformity, provisions, SB 2869, SB 2916
- Manufacturers, foreign made articles, B&O tax deduction, SB 2045, *2nd Sub HB 24, CH. 105X
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- Nonprofit organizations, mental health, alcohol, drug treatment services B&O, exempt, HB 1176
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- Timber, harvest income use, nonprofit organizations, youth programs, tax exempt, HB 115
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- Water associations, nonprofit, capital expenditures, public utility, provisions, *HB 623, CH. 368X
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- Candidates, congress, last federal income tax return, copy, public disclosure commission, filing required, SB 2467
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- Appraisals, reevaluated, notice requirement, *HB 438, CH. 181X
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- Current use classification, application date, extended, SB 3047, Sub SB 3047
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- Justice courts, justices, peace, jurisdictional amounts, increased, *SJR 113
- Library districts cities, towns, 8,500 or less population, annexation procedure levy, *Sub HB 936, CH. 353X
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- Retirees, residences, income limit exemption increased, SB 2840, *HB 355, CH. 268X
- Retirees, residences, income limits, exemption, consumer price index, adjustment provision, SB 2930
- Retirees, residences, mobile homes, income limit exemption, increased, Sub SB 2840
- Retirees, residences, veteran's disability compensation, income exclusion, exemption, SB 2004
- Revaluation ratio procedures, repealed, *HB 613, CH. 29X
- School districts, state collected, fiscal year distribution, inclusion, Sub SB 2702
- School levies, excess, approval, three-fifths of electors, irrespective of total number of votes cast in last general election, Sub HJR 42
- School levies, excess, limitations, HB 1086(a), Sub SB 2700, *Sub SB 2697, VETOED
- School levies, excess, two year period, implemented, additional levy limitation, ballot language, provisions, Sub HB 196, SB 2056, *Sub SB 2056, CH. 4
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- Tax reform, adequate revenues, support of vital services, equity, combination with other income, fully fund basic education, SB 2945
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- Mobile homes, long term renting, leasing, exemption, SB 2560
- Prescription drugs, sold to state, political subdivisions, exempt, *HB 382, CH. 179X
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- Solar, heating equipment, used in new construction, energy savings improvements, exempt, SB 2186
- Structures, sites, historically significant, restoration work, exempt, parks, recreation commission application, provisions, SB 2509
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- Honored on retirement, *SR 1977-34 pp. 1488-1490

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- Career education, retraining program, provisions, SB 2511
- Faculty, other employees, "retired", over seventy, higher education institutions, reemployment, *HB 584, CH. 276X
- In-service training act, enacted, *Sub HB 470, CH. 189X
- Retired, title only, SB 2976
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- Community colleges, faculty, correctional institution educational program appointment, Sub SB 3053, *SB 2493(a), CH. 282X
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- Commercial sale, theses, dissertations, other assignments, use, post-secondary education, prohibited, Sub HB 123

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- Tax, account B eliminated, reserve account, general fund, created, SB 2823
- Tax, account deposits, level rate, specified period, reserve account, Sub HB 773, SB 2714(a), *Sub SB 3054, VETOED
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- Tax, certain, port districts not levying property tax, distribution authorized, SB 2775
- Tax, certain revenues, school support, SB 2823
- Tax, counties, assessment ratios, specified years, modified, SB 2823
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- Tax, surplus moneys, reserve account, distribution prescribed, Sub HB 773, SB 2714(a), *Sub SB 3054, VETOED
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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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(a) Amendment to original bill.

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- Cosmetology schools, shops health certificate requirement removed, *HB 649, CH. 310X
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- Appropriation, 1977-79 biennium, *Sub SB 2543, CH. 333X
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- Ferries, construction, contract negotiation procedures established, sales tax exemption, *Sub SB 3093, CH. 166X
- Ferries, construction, general obligation bonds, appropriation, SB 2375, Sub SB 2375
- Ferries, high speed passenger only vessels, purchase authorized, *Sub HB 980(a), CH. 360X
- Ferries, tariffs, review, counties, certain, participation provisions, expanded, *HB 122, CH. 29
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(a) Amendment to original bill.

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* Indicates bills, memorials and resolutions passed by both Senate and House. Also Senate Resolutions adopted.

(a) Amendment to original bill.

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- Escrow commission, expenses, authorized, SB 2197, *Sub SB 2197, CH. 156X, P.V.
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- Fruit, soft, certain, assessments increased, SB 2447, CH. 8X

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- Railroad bridges, trestles, walkways required, SB 2125

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- Railroads, certain, bridges, trestles, walkways required, SB 2125
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- Removal, state patrol, law enforcement officers, authority, *Sub HB 228, CH. 167X
- Tow trucks, motor freight carrier regulations, exemption removed, SB 2229
- Trucking industry, UTC, empty backhaul study, regulatory authority extended, energy conservation, Sub HB 1146

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- Fairness in lending act, enacted, SB 2469, *Sub HB 323, CH. 301X
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- Schools, cultural, social, recreational, athletic events, low income persons, age sixty-five or older, reduced, waived, *HB 583, CH. 170X
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- Fuel excise tax, motor vehicle department, computation, distribution, *Sub SB 2537, CH. 317X
- Funds, trust, cities over 300,000, obligation extended, *SB 2439, CH. 214X
- Transportation department, created, certain agencies abolished, powers, duties transferred, Sub HB 718, SB 2924, *Sub SB 2924, CH. 151X, P.V.
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- Low income persons, aged, local government, rates, establishment provisions, SB 2487
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- Nuclear energy, joint committee, redesignated, energy and utilities joint committee, membership increased, energy emergencies, *Sub HB 928, CH. 328X, P.V.
- Nuclear generating construction projects, contracts, amendment authority, SB 2771, *HB 852, CH. 28X
- Residential utility action group, created, powers, duties, SB 2514
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- Telephones, pay, address of such, posted on telephone, required, SB 2120
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- Water districts, service cutoff, delinquent accounts authorized, surplus property sale, *Sub HB 292(a), CH. 299X

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- Auto transportation companies, insurance coverage required to obtain certificate of operation, increased, provisions, *Sub HB 217, CH. 298X
- Auto transportation companies, operations, cessation, identification cards, returned, required, SB 2102
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- Railroad bridges, trestles, walkways, handrails, unsafe condition determination, liability, nonrailroad persons, *Sub SB 2125, CH. 46X
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(a) Amendment to original bill.

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- Railroad employees, working conditions, safety health purposes, provisions, SB 2094
- Railroad fees, regulatory, utility and transportation commission, increased, *SB 2182, CH. 48X
- Railroad trestles, walkways required, SB 2125
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- Transportation, inter/intra state, equipment, alternative fee adoption authority, *SB 2484, CH. 63X
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- Senators, United States, temporary appointment, election provisions, HB 588

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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

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- (a) Amendment to original bill.
- SR Senate Resolution.
- GA Gubernatorial Appointment.

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- (a) Amendment to original bill.
- SR Senate Resolution.
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- (a) Amendment to original bill.
- SR Senate Resolution.
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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

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(a) Amendment to original bill.

SR Senate Resolution.

GA Gubernatorial Appointment.

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(a) Amendment to original bill.

SR Senate Resolution.

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(a) Amendment to original bill.

SR Senate Resolution.

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