

products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

Passed the House February 25, 1980.

Passed the Senate February 19, 1980.

Approved by the Governor March 7, 1980.

Filed in Office of Secretary of State March 7, 1980.

CHAPTER 87

[House Bill No. 1475]

LEGISLATIVE SESSION REFERENCE REVISIONS

AN ACT Relating to legislative sessions; amending section 1, chapter 162, Laws of 1955 as last amended by section 1, chapter 87, Laws of 1974 ex. sess. and RCW 1.12.025; amending section 3, chapter 174, Laws of 1979 ex. sess. and RCW 28A.97.100; amending section 5, chapter 150, Laws of 1941 as last amended by section 95, chapter 169, Laws of 1977 ex. sess. and RCW 40.04.090; amending section 1, chapter 20, Laws of 1891 as amended by section 1, chapter 48, Laws of 1979 ex. sess. and RCW 44.04.010; amending section 28A.41.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.020; amending section 28A.41.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.050; amending section 11, chapter 66, Laws of 1971 ex. sess. and RCW 28A.41.053; amending section 1, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41.250; amending section 28A.92.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.92.030; amending section 5, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.050; amending section 1, chapter 174, Laws of 1974 ex. sess. as amended by section 1, chapter 365, Laws of 1977 ex. sess. and RCW 28B.20.382; amending section 4, chapter 234, Laws of 1959 and RCW 34.04.040; amending section 1, chapter 186, Laws of 1963 and RCW 34.04.160; amending section 1, chapter 11, Laws of 1972 ex. sess. as amended by section 1, chapter 133, Laws of 1973 1st ex. sess. and RCW 41.06.070; amending section 11, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.401; amending section 1, chapter 17, Laws of 1963 ex. sess. as amended by section 2, chapter 10, Laws of 1969 and RCW 41.52.010; amending section 1, chapter 174, Laws of 1969 ex. sess. and RCW 41.56.220; amending section 11, chapter 215, Laws of 1969 ex. sess. as amended by section 9, chapter 131, Laws of 1973 and RCW 41.56.420; reenacting and amending section 43.03.028, chapter 8, Laws of 1965 as last amended by section 36, chapter 75, Laws of 1977 and by section 1, chapter 127, Laws of 1977 ex. sess. and RCW 43.03.028; amending section 43.07.030, chapter 8, Laws of 1965 as amended by section 3, chapter 53, Laws of 1969 ex. sess. and RCW 43.07.030; amending section 13, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.130; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 158, Laws of 1979 ex. sess. and RCW 43.21G.040; amending section 43.56.030, chapter 8, Laws of 1965 as amended by section 59, chapter 75, Laws of 1977 and RCW 43.56.030; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 135, chapter 151, Laws of 1979 and RCW 43.88.020; amending section 43.88.030, chapter 8, Laws of 1965 as last amended by section 1, chapter 247, Laws of 1977 ex. sess. and RCW 43.88.030; amending section 1, chapter 36, Laws of 1947 as last amended by section 1, chapter 10, Laws of 1969 and RCW 44.24.010; amending section 2, chapter 36, Laws of 1947 as last amended by section 1, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.020; amending section 1, chapter 43, Laws of 1951 as last amended by section 4, chapter 10, Laws of 1969 and RCW 44.28.010; amending section 12, chapter 43, Laws of

1951 as last amended by section 5, chapter 10, Laws of 1969 and RCW 44.28.020; amending section 3, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.020; amending section 5, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.030; amending section 3, chapter 130, Laws of 1965 ex. sess. as amended by section 3, chapter 10, Laws of 1969 and RCW 44.33.220; amending section 5, chapter 130, Laws of 1965 ex. sess. as amended by section 6, chapter 10, Laws of 1969 and RCW 44.33.240; amending section 3, chapter 308, Laws of 1961 and RCW 44.36.030; amending section 5, chapter 308, Laws of 1961 and RCW 44.36.050; amending section 3, chapter 260, Laws of 1969 ex. sess. as amended by section 15, chapter 328, Laws of 1977 ex. sess. and RCW 44.39.020; amending section 35, chapter 3, Laws of 1963 ex. sess. as last amended by section 1, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.010; amending section 1, chapter 373, Laws of 1977 ex. sess. and RCW 44.48.010; amending section 2, chapter 373, Laws of 1977 ex. sess. and RCW 44.48.020; amending section 3, chapter 373, Laws of 1977 ex. sess. and RCW 44.48.030; amending section 2, chapter 150, Laws of 1967 ex. sess. as amended by section 2, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.020; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 185, chapter 158, Laws of 1979 and RCW 46.68.120; amending section 7, chapter 151, Laws of 1977 ex. sess. and RCW 47.01.071; amending section 1, chapter 166, Laws of 1979 ex. sess. and RCW 90.03.247; adding a new section to chapter 41.56 RCW; adding a new section to chapter 44.04 RCW; and repealing section 6, chapter 181, Laws of 1945 and RCW 2.48.120.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 44.04 RCW a new section to read as follows:

After the effective date of this 1980 act, all references in the Revised Code of Washington to a regular session of the legislature mean a regular session during an odd- or even-numbered year unless the context clearly requires otherwise.

Sec. 2. Section 1, chapter 162, Laws of 1955 as last amended by section 1, chapter 87, Laws of 1974 ex. sess. and RCW 1.12.025 are each amended to read as follows:

If at any session of the legislature there are enacted two or more acts amending the same section of the session laws or of the official code, each amendment without reference to the others, each act shall be given effect to the extent that the amendments do not conflict in purpose, otherwise the act last filed in the office of the secretary of state in point of time, shall control: PROVIDED, That if one or more ((**extraordinary**)) special sessions of the same legislature shall follow any regular session, this rule of construction shall apply to the laws enacted at either, both, any, or all of such sessions.

***Sec. 3. Section 28A.41.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.020 are each amended to read as follows:**

The interest accruing on the permanent common school fund together with all rentals and other revenues from lands and other property devoted to the current use of the common schools, other than those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those granted for specific purposes, and revenues from other sources allotted thereto, shall be deposited up to and including June 30, 1967, in a fund to be known as the current state school fund. On and after July 1, 1967, only revenue from sources other than (1) those proceeds derived from the sale or appropriation of timber and other

crops from school and state lands, other than those granted for specific purposes; and (2) the interest accruing on said permanent common school fund together with all rentals and other revenues derived therefrom and from land and other property devoted to the permanent common school fund from and after July 1, 1967, shall be deposited in the current state school fund. Any revenue deposited in the current state school fund, whether prior to or after June 30, 1967, shall be exclusively applied to the current use of the common schools. In addition thereto, it shall be the duty of the state legislature, at each regular session ((thereof)) during an odd-numbered year, to appropriate from the state general fund for the current use of the common schools an amount of money, which, with the interest and other revenues aforesaid, shall equal the amounts needed for state support to public schools.

*Sec. 3 was vetoed, see message at end of chapter.

*Sec. 4. Section 28A.41.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.050 are each amended to read as follows:

The state legislature shall, at each regular session ((thereof)) during an odd-numbered year, appropriate from the current state school fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as in this chapter provided.

*Sec. 4 was vetoed, see message at end of chapter.

Sec. 5. Section 11, chapter 66, Laws of 1971 ex. sess. and RCW 28A.41.053 are each amended to read as follows:

The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for handicapped programs. Programs operated by local school districts shall be funded on an excess cost basis from appropriations provided by the legislature for handicapped programs and shall take account of state funds accruing through RCW 28A.41.130, 28A.41.140, and other state and local funds, excluding special excess levies.

Sec. 6. Section 1, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41.250 are each amended to read as follows:

The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for urban, rural, racial, and disadvantaged education programs.

Sec. 7. Section 28A.92.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.92.030 are each amended to read as follows:

The term of the members appointed by the president and the speaker shall be dependent upon continued membership in the house from which appointed and shall expire upon the adjournment sine die of the regular session of the legislature during an odd-numbered year next succeeding the appointment of such member. Vacancies occurring during the term shall be

filled for the unexpired term by the appointment of a successor in the same manner as for the vacating member. Members appointed by the governor shall serve at his pleasure.

Sec. 8. Section 3, chapter 174, Laws of 1979 ex. sess. and RCW 28A.97.100 are each amended to read as follows:

The legislative budget committee shall prepare a report to the legislature before each regular session during an odd-numbered year, detailing the fiscal impact of the several certified educational clinics receiving reimbursements from the state pursuant to the provisions of this chapter. The legislative budget committee shall require such clinics to furnish such information as it deems necessary to meet the requirements of this section. Included within the information to be reported by the legislative budget committee on each clinic shall be the following:

- (1) The dollar amount of reimbursement received by the clinic from the state for each month available of the then current, and past, biennium;
- (2) An analysis of the cost per student, the progress they have achieved, and comparisons with other educational and institutional alternatives; and
- (3) A statement which identifies the owners of the clinic. In the case of profit or nonprofit corporations the officers, directors, and shareholders of record as of the close of the corporation's fiscal year shall be furnished.

Sec. 9. Section 5, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.050 are each amended to read as follows:

- (1) Any rules adopted after September 1, 1971 shall be filed forthwith with the office of the code reviser. The code reviser shall keep a permanent register of such rules open to public inspection.
- (2) Emergency rules adopted under RCW 28B.19.040 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.
- (3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the institutions of higher education with this section. For this purpose, all institutions of higher education shall supply the code reviser with such information as he may request.

Sec. 10. Section 1, chapter 174, Laws of 1974 ex. sess. as amended by section 1, chapter 365, Laws of 1977 ex. sess. and RCW 28B.20.382 are each amended to read as follows:

Until authorized and empowered to do so by statute of the legislature, the board of regents of the university, with respect to that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently known as the "Metropolitan Tract" and any land contiguous thereto, shall not sell said land or any part thereof or any improvement thereon, or lease said land or any part thereof or any improvement thereon

or renew or extend any lease thereof for a term ending more than sixty years beyond midnight, December 31, 1980. Any sale of said land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of said land or any part thereof or any improvement thereon for a term ending more than sixty years after midnight, December 31, 1980, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved or ratified and confirmed by legislative act.

The board of regents shall have power from time to time to lease said land, or any part thereof or any improvement thereon for a term ending not more than sixty years beyond midnight, December 31, 1980: PROVIDED, That the board of regents shall make a full, detailed report of all leases and transactions pertaining to said land or any part thereof or any improvement thereon to each regular session of the legislature during an odd-numbered year: 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.

Sec. 11. Section 4, chapter 234, Laws of 1959 and RCW 34.04.040 are each amended to read as follows:

(1) Each agency shall file forthwith in the office of the code reviser a certified copy of all rules now in effect and hereafter adopted, except the rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 34.04.030 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

(3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the agencies with this section. For this purpose, all agencies shall supply the code reviser with such information as he may request.

Sec. 12. Section 1, chapter 186, Laws of 1963 and RCW 34.04.160 are each amended to read as follows:

All rules required to be filed pursuant to RCW 34.04.040 shall be subject to review by the legislature to determine whether such rules are within the intent of the statutes purporting to authorize the adoption thereof. The legislative council may biennially review agency regulations to determine if the legislative intent is being correctly followed. A comprehensive report of

said biennial review with recommendations shall be submitted to the members of the legislature ten days prior to the start of each regular session during an odd-numbered year.

Sec. 13. Section 5, chapter 150, Laws of 1941 as last amended by section 95, chapter 169, Laws of 1977 ex. sess. and RCW 40.04.090 are each amended to read as follows:

The house and senate journals shall be distributed and/or sold by the state law librarian as follows:

(1) Sets shall be distributed as follows: One set to each member of the legislature, secretary and assistant secretary of the senate, chief clerk and assistant to the chief clerk of the house of representatives, and to each minute clerk and sergeant-at-arms of the two branches of the legislature of which they occupy the offices and positions mentioned. One to each official whose office is created by the Constitution, and one to each state department director; three copies to the University of Washington law library; two copies to the University of Washington library; one to the King county law library; one to the Washington State University library; one to the library of each of the regional universities and to The Evergreen State College; one to the law library of Gonzaga University law school; one to the law library of the University of Puget Sound law school; one to the law libraries of any accredited law school as hereafter established in this state; and one to each free public library in the state which requests it.

(2) A set of the house and senate journals of the preceding ((~~general~~)) regular session during an odd- or even-numbered year, and of any intervening special session, shall be placed on the desk of each legislator for his use during the ensuing session, which shall be returned to the state law library at the expiration of the legislative session; and sufficient sets shall be retained for the use of the state law library.

(3) Surplus sets of the house and senate journals shall be sold and delivered by the state law librarian, in which case the price shall be fifteen dollars for those of the ((~~general~~)) regular sessions during an odd- or even-numbered year, and ten dollars for those of the special sessions, when separately bound, and the proceeds therefrom shall be paid to the state treasurer for the general fund.

(4) The state law librarian is authorized to exchange copies of the house and senate journals for similar journals of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution of them as in his judgment seems proper.

Sec. 14. Section 1, chapter 11, Laws of 1972 ex. sess. as amended by section 1, chapter 133, Laws of 1973 1st ex. sess. and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers,

and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time, or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(20) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(21) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(22) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (19) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Sec. 15. Section 11, chapter 14, Laws of 1963 ex. sess. and RCW 41-32.401 are each amended to read as follows:

For the purpose of establishing and maintaining an actuarial reserve adequate to meet present and future pension liabilities of the system and to pay for one-half of the operating expenses of the system, the board of trustees at each regular July meeting next preceding a regular session of the legislature during an odd-numbered year shall compute the amount necessary to be appropriated during the next legislative session for transfer from the state general fund to the teachers' retirement system during the next biennium. Such computation shall provide for amortization of unfunded pension liabilities over a period of not more than fifty years from July 1, 1964. The amount thus computed as necessary shall be reported to the governor by the secretary-manager of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the teachers' retirement system after considering the estimates as prepared and submitted, and shall appropriate from the teachers' retirement fund the amount to be expended during the next biennium for operating expenses. 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 valuation prepared by the actuary employed by the board, and shall include a percentage contribution of the total earnable compensation of the members for the biennium for which the appropriation is to be made, to be known as the "normal contribution," and an additional percentage contribution of such earnable compensation, to be known as the "unfunded liability contribution." Such transfers from the general fund shall be made before the end of each calendar quarter at the rate determined by the board of trustees and shall be computed on the basis of the members' total earnable compensation received for the quarter. The members' total contributions to the teachers' retirement fund for each quarter shall serve as the basis for determining the members' total earnable compensation for the quarter. The amounts transferred shall be distributed first to the teachers' retirement fund for the payment of pensions, survivors'

benefits and the state's share of the operating expenses for the system, and the balance shall be credited to the teachers' retirement pension reserve fund. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature.

Sec. 16. Section 1, chapter 17, Laws of 1963 ex. sess. as amended by section 2, chapter 10, Laws of 1969 and RCW 41.52.010 are each amended to read as follows:

There is created the state public pension commission. The commission shall consist of five members of the house of representatives to be appointed by the speaker thereof, five members of the senate to be appointed by the president of the senate, and five members to be appointed by the governor: **PROVIDED**, That no more than three senators nor more than three representatives shall be appointed from the same political party. All original legislative members shall be appointed before the close of the 1963 extraordinary session of the legislature and successors shall be appointed before the close of each regular session during an odd-numbered year thereafter: **PROVIDED, FURTHER**, That if prior to the close of each regular session during an odd-numbered year, the governor shall issue a proclamation convening the legislature into ((**extraordinary**)) special session, or the legislature shall by resolution convene the legislature into special session, following such regular session, then such appointments shall be made as a matter of closing business of such ((**extraordinary**)) special session. Legislative members shall be subject to confirmation, as to senate members by the senate, and as to house members by the house. No terms of legislative members shall be extended without such confirmation.

The members appointed by the governor shall have the following qualifications: (1) At least one of the members shall be experienced in actuarial principles; (2) One member shall be a trustee or official of a retirement system; and (3) Three members shall have had general experience and knowledge in fields pertinent to retirement system operating, but shall not at the time of appointment or during their terms of office be trustees or officials in any retirement system.

Sec. 17. Section 1, chapter 174, Laws of 1969 ex. sess. and RCW 41.56.220 are each amended to read as follows:

Any public employee who represents fifty percent or more of a bargaining unit or who represents on a state-wide basis a group of five or more bargaining units shall have the right to absent himself from his employment without pay and without suffering any discrimination in his future employment and without losing benefits incident to his employment while representing his bargaining unit at the legislature of the state of Washington during any regular or ((**extraordinary**)) special session thereof: **PROVIDED**, That such employee is replaced by his bargaining unit with an employee who shall be paid by the employer and who shall be qualified to perform the duties and obligations of the absent member in accordance with the

rules of the civil service or other standards established by his employer for such absent employee.

Sec. 18. Section 11, chapter 215, Laws of 1969 ex. sess. as amended by section 9, chapter 131, Laws of 1973 and RCW 41.56.420 are each amended to read as follows:

The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, including an evaluation of the collective bargaining practices and procedures of uniformed personnel, and review the efficacy of RCW 28.75.130 (28B-.16.130), 41.06.340, 41.56.140 through 41.56.190 and 41.56.400 through 41.56.420 or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature, with a copy to the legislative council, prior to the convening of ~~((any))~~ each regular session of the legislature during an odd-numbered year, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary or desirable changes, if any, in the law, and shall also include any proposed legislation necessary to implement the recommendations of the committee.

NEW SECTION. Sec. 19. There is added to chapter 41.56 RCW a new section to read as follows:

The arbitration panel created pursuant to RCW 41.56.450, in the performance of its duties under chapter 41.56 RCW, exercises a state function and is, for the purposes of that chapter, a state agency.

Sec. 20. Section 43.03.028, chapter 8, Laws of 1965 as last amended by section 36, chapter 75, Laws of 1977 and by section 1, chapter 127, Laws of 1977 ex. sess. and RCW 43.03.028 are each reenacted and amended to read as follows:

(1) There is hereby created a state committee on salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the president of Washington State University; the 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. 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.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the oceanographic commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the commission for vocational education; the advisory council on vocational education; the public disclosure commission; the hospital commission; the state conservation commission; the commission on Mexican-American affairs; the commission on Asian-American affairs; the state board for volunteer firemen; the urban arterial board; the data processing authority; the public employees relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) The committee shall also make a study of the duties and salaries of all state elective officials, including members of the supreme, appellate, superior, and district courts and members of the legislature and report to the governor and the president of the senate and the speaker of the house not later than sixty days prior to the convening of each regular session of the legislature during an odd-numbered year its recommendation for the salaries to be established for each position. Copies of the committee report to the governor shall be provided to the appropriate standing committees of the house and senate upon request.

(4) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 21. Section 43.07.030, chapter 8, Laws of 1965 as amended by section 3, chapter 53, Laws of 1969 ex. sess. and RCW 43.07.030 are each amended to read as follows:

The secretary of state shall:

- (1) Keep a register of and attest the official acts of the governor;
- (2) Affix the state seal, with his attestation, to commissions, pardons, and other public instruments to which the signature of the governor is required, and also attestations and authentications of certificates and other documents properly issued by the secretary;
- (3) Record all articles of incorporation, letters patent, deeds, certified copies of franchises, or other papers filed in his office;
- (4) Receive and file all the official bonds of officers required to be filed with him;

(5) Take and file in his office receipts for all books distributed by him;

(6) Certify to the legislature the election returns for all officers required by the Constitution to be so certified, and certify to the governor the names of all other persons who have received at any election the highest number of votes for any office the incumbent of which is to be commissioned by the governor;

(7) Furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

(8) Present to the speaker of the house of representatives, at the beginning of each regular session of the legislature during an odd-numbered year, a full account of all purchases made and expenses incurred by him on account of the state;

(9) File in his office an impression of each and every seal in use by any state officer, and furnish state officers with new seals when necessary;

(10) Keep a fee book, in which must be entered all fees charged or received by him, with the date, name of the payor, paid or unpaid, and the nature of the services in each case, which must be verified annually by his affidavit entered therein.

Sec. 22. Section 13, chapter 62, Laws of 1970 ex. sess. and RCW 43-.21A.130 are each amended to read as follows:

In addition to any other powers granted the director, he may undertake studies dealing with all aspects of environmental problems involving land, water, or air: PROVIDED, That in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action: PROVIDED FURTHER, That the results of all such studies shall be submitted to the legislature prior to thirty days before the beginning of each regular session during an odd-numbered year.

Sec. 23. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 158, Laws of 1979 ex. sess. and RCW 43-.21G.040 are each amended to read as follows:

(1) The governor may 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 as set forth in this chapter shall become effective only within the area described in the declaration.

(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) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(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

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy 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.

(4) A condition of energy supply alert or energy emergency shall 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)) special 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.

(6) In a condition of energy emergency, 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 an emergency, issue orders to: (a) Implement programs, controls, standards, and priorities for the production, allocation, 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 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 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, 1981.

Sec. 24. Section 43.56.030, chapter 8, Laws of 1965 as amended by section 59, chapter 75, Laws of 1977 and RCW 43.56.030 are each amended to read as follows:

The board shall keep a record of all its transactions, and shall, at each regular session during an odd-numbered year, and may at any other time, make a report to the legislature of its doings and recommendations.

Sec. 25. Section 43.88.020, chapter 8, Laws of 1965 as last amended by section 135, chapter 151, Laws of 1979 and RCW 43.88.020 are each amended to read as follows:

(1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures;

(2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust or for operating purposes and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation.

(6) "Regulations" shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or his designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" shall mean the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held

during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" shall not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

Sec. 26. Section 43.88.030, chapter 8, Laws of 1965 as last amended by section 1, chapter 247, Laws of 1977 ex. sess. and RCW 43.88.030 are each amended to read as follows:

(1) The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document: PROVIDED, That the governor may additionally submit, as an appendix to each agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) Cash surplus or deficit, by fund, to the extent provided by RCW 43.88.040 and 43.88.050;

(c) Such additional information dealing with expenditures, revenues, workload, performance and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of anticipated revenues shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium.

(3) A separate budget document or schedule may be submitted consisting of:

(a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document presented to the

legislature relative to the format of the budget document which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative budget committee if the legislature is not in session.

Sec. 27. Section 1, chapter 20, Laws of 1891 as amended by section 1, chapter 48, Laws of 1979 ex. sess. and RCW 44.04.010 are each amended to read as follows:

Regular sessions of the legislature shall be held annually, commencing on the second Monday of January.

Sec. 28. Section 1, chapter 36, Laws of 1947 as last amended by section 1, chapter 10, Laws of 1969 and RCW 44.24.010 are each amended to read as follows:

There is hereby created a "state legislative council" hereinafter referred to as the council, which shall consist of fifteen senators and sixteen representatives from the legislature of the state of Washington, including the president pro tem of the senate and the speaker of the house of representatives, said council to be appointed by the president of the senate and the speaker of the house of representatives at least ten days before the close of the 1947 session of the legislature, and before the close of each regular session during an odd-numbered year thereafter: PROVIDED, That if prior to the close of any regular session during an odd-numbered year, the governor shall issue a proclamation convening the legislature into ((~~extraordinary~~)) special session, or the legislature shall by resolution convene the legislature into special session, following such regular session, then such appointments shall be made as a matter of closing business of such ((~~extraordinary~~)) special session. The president of the senate and the speaker of the house of representatives shall prepare their lists of appointees so that the whole membership of the council shall include at least one individual from each United States congressional district within the state and so that the minority political party in each house shall have seven members on the council. The said lists of appointees shall be subject to confirmation as to the senate members by the senate and as to the house members by the house of representatives. In the event of a failure to appoint council members within the time above stated, or in the event of a refusal by either senate or house of representatives to confirm appointments on the council, then the members on the council from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 29. Section 2, chapter 36, Laws of 1947 as last amended by section 1, chapter 134, Laws of 1967 ex. sess. and RCW 44.24.020 are each amended to read as follows:

The council shall have the following powers and duties:

(1) To perform, either through the council as a whole or through committees thereof all duties and functions customarily delegated to special interim legislative committees: **PROVIDED**, That any appointments of committee chairmen shall be approved by not less than fifteen members of the council;

(2) To examine and study the administrative organization and procedures of the state government, its offices, boards, committees, commissions, institutions, and other state agencies and to make recommendations, where found advisable, directed to the elimination of unnecessary overlapping or duplication of functions, procedures and expenditures, and to the promotion of economy and efficiency in state government;

(3) To make such other studies and examinations of the state government and its state agencies as it may find advisable and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto: **PROVIDED**, That no investigation shall be had or public hearing be held without prior approval of two-thirds of the membership of the council: **PROVIDED FURTHER**, That any investigation or hearing once commenced may be terminated by a majority vote of the council;

(4) To receive messages and reports in person or in writing from the governor or any other state officials and to attend generally to any and all business addressed to or affecting the legislature during the interim between regular legislative sessions;

(5) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The council shall keep complete minutes of its meetings. The council shall make and distribute its biennial report to the members of the ensuing legislature at least ten days prior to the convening of the legislature in regular session during an odd-numbered year; and

(6) To cooperate, act, and function with similar councils or committees of other states, with the council of state governments, and with other interstate research organizations.

Sec. 30. Section 1, chapter 43, Laws of 1951 as last amended by section 4, chapter 10, Laws of 1969 and RCW 44.28.010 are each amended to read as follows:

There is hereby created a legislative budget committee which shall consist of eight senators and eight representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than four members from each house shall be from the same political party. All members shall be appointed before the close of the 1967 session of the legislature and before the close of each regular session during an odd-numbered year thereafter: **PROVIDED**, That if prior to the close of each regular session during an odd-numbered year, the

governor shall issue a proclamation convening the legislature into ~~((extraordinary))~~ special session, or the legislature shall by resolution convene the legislature into special session, following such regular session, then such appointments shall be made as a matter of closing business of such ~~((extraordinary))~~ special session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then the members of the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 31. Section 12, chapter 43, Laws of 1951 as last amended by section 5, chapter 10, Laws of 1969 and RCW 44.28.020 are each amended to read as follows:

The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session during an odd-numbered year or ~~((extraordinary))~~ special session following such regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election or appointment. Vacancies on the committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

Sec. 32. Section 3, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.020 are each amended to read as follows:

The committee shall consist of five senators and five representatives who shall be selected prior to the close of the forty-first session of the legislature, and at least ten days before the close of each regular session during an odd-numbered year thereafter as follows:

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

In the event of a failure to appoint members within the time above stated, or in the event of a refusal to confirm, the members on the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 33. Section 5, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.030 are each amended to read as follows:

Members shall serve until their successors are installed as provided in RCW 44.30.020 at the next succeeding regular session of the legislature during an odd-numbered year, or until they are no longer members of the legislature, whichever is sooner.

Sec. 34. Section 3, chapter 130, Laws of 1965 ex. sess. as amended by section 3, chapter 10, Laws of 1969 and RCW 44.33.220 are each amended to read as follows:

The committee shall consist of five senators and five representatives who shall be selected prior to the close of the thirty-ninth session of the legislature, and before the close of each regular session during an odd-numbered year thereafter as follows: PROVIDED, That if prior to the close of each regular session during an odd-numbered year, the governor shall issue a proclamation convening the legislature into ((~~extraordinary~~)) special session, or the legislature shall by resolution convene the legislature into special session, following such regular session, then such selections shall be made as a matter of closing business of such ((~~extraordinary~~)) special session.

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

In the event of a failure to appoint members within the time above stated, or in the event of a refusal to confirm, then the members on the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Sec. 35. Section 5, chapter 130, Laws of 1965 ex. sess. as amended by section 6, chapter 10, Laws of 1969 and RCW 44.33.240 are each amended to read as follows:

Members shall serve until their successors are installed as provided in RCW 44.33.220 at the next succeeding regular session of the legislature during an odd-numbered year, or until they are no longer members of the legislature, whichever is sooner or at the ((~~extraordinary~~)) special session, if

any, following the said next succeeding regular session during an odd-numbered year.

Sec. 36. Section 3, chapter 308, Laws of 1961 and RCW 44.36.030 are each amended to read as follows:

The committee shall consist of five senators and five representatives who shall be selected as follows:

(1) The president of the senate shall nominate five senators to serve on the committee, who shall be residents of urban areas of the state, and shall submit the list of nominees to the senate for confirmation. In the event that the president does not nominate five senators, or in the event that the senate does not confirm the nominees prior to two days before the close of the regular session of the legislature during an odd-numbered year, the senate shall elect the members by a majority vote of a quorum. Upon confirmation or election, the senators shall be installed as members.

(2) The speaker of the house shall nominate five representatives to serve on the committee, who shall be residents of urban areas of the state, and submit the list of nominees to the house for confirmation. In the event that the speaker does not nominate five representatives, or in the event that the house does not confirm the nominees prior to two days before the close of the regular session of the legislature during an odd-numbered year, the house shall elect the members by a majority vote. Upon confirmation or election, the representatives shall be deemed installed as members.

Sec. 37. Section 5, chapter 308, Laws of 1961 and RCW 44.36.050 are each amended to read as follows:

Members shall serve until their successors are installed as provided in RCW 44.36.030, at the next succeeding regular session of the legislature during an odd-numbered year, or until they are no longer members of the legislature, whichever is sooner.

Sec. 38. Section 3, chapter 260, Laws of 1969 ex. sess. as amended by section 15, chapter 328, Laws of 1977 ex. sess. and RCW 44.39.020 are each amended to read as follows:

Members shall serve until their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, at the next succeeding regular session of the legislature during an odd-numbered year, or until they are no longer members of the legislature, whichever is sooner.

Sec. 39. Section 35, chapter 3, Laws of 1963 ex. sess. as last amended by section 1, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.010 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested

in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of eleven senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive ((~~extraordinary~~)) special session ((~~called~~)) convened by the governor or the legislature prior to the close of such regular session or successive ((~~extraordinary~~)) special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority.

Sec. 40. Section 1, chapter 373, Laws of 1977 ex. sess. and RCW 44-48.010 are each amended to read as follows:

There is hereby created a legislative evaluation and accountability program committee which shall consist of four senators and four representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than two members from each house shall be from the same political party. All members shall be appointed before the close of the 1977 session of the legislature and before the close of each regular session during an odd-numbered year thereafter. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house.

Sec. 41. Section 2, chapter 373, Laws of 1977 ex. sess. and RCW 44-48.020 are each amended to read as follows:

The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.48.010 until the close of the next regular session during an odd-numbered year, or, in the event that such appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election, or appointment. Vacancies on the committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

Sec. 42. Section 3, chapter 373, Laws of 1977 ex. sess. and RCW 44-48.030 are each amended to read as follows:

On and after the commencement of a succeeding regular session of the legislature during an odd-numbered year, those members of the committee

who continue to be members of the senate and house, respectively, shall continue as members of the committee as indicated in RCW 44.48.020 and the committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

Sec. 43. Section 2, chapter 150, Laws of 1967 ex. sess. as amended by section 2, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.020 are each amended to read as follows:

There is created within each house of the legislature a board of legislative ethics composed of eight members. Prior to the close of the present session of the legislature the respective chairmen of the majority and minority senate caucuses shall each appoint two senators from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the senate board, and the eight members so selected shall constitute the senate board of ethics; and the respective chairmen of the majority and minority caucuses in the house of representatives shall each appoint two members from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the house board, and the eight members so selected shall constitute the house board of ethics. All such appointments of legislative and lay members shall be subject to the consent of the caucus wherein the appointment is made. The terms of legislative members shall be until they are no longer a member of the legislature or until their successors are appointed, whichever is sooner, and the terms of lay members shall be until their successors are appointed; and no member shall be removed during his term except for cause. Successors to legislative and lay members shall be appointed either: (1) On the day on which the next succeeding regular session of the legislature during an odd-numbered year shall adjourn sine die: PROVIDED, That if prior to such adjournment sine die, the governor or the legislature shall have (~~proclaimed an extraordinary~~) convened a special session of the legislature, the appointments shall not be made until the day on which such (~~extraordinary~~) special session shall adjourn sine die; or (2) within sixty days after the vacancy occurs, whichever is sooner. Legislative and lay members shall both be eligible for reappointment. Vacancies in the position of legislative or lay members shall be filled by the same appointing power and in the same manner as for the member vacating. Any vacancy shall not impair the right of the remaining members to exercise all of the powers of their board so long as quorum requirements are met.

Five members shall constitute a quorum for the board of each house and nine members shall constitute a quorum for the joint board: PROVIDED, That for the purpose of rendering a final decision pursuant to RCW 44.60.110(4)(h) six members shall constitute a quorum for the board of each house.

Sec. 44. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 185, chapter 158, Laws of 1979 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 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 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 licensing for the year next preceding the date of calculation of the allocation amounts. The director of licensing 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 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 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 county legislative authority.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as 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 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 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 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 during an odd-numbered year.

(i) The 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. 45. Section 7, chapter 151, Laws of 1977 ex. sess. and RCW 47-.01.071 are each amended 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))~~ 1980 regular legislative session. The plan shall be reviewed and revised ~~((at the next))~~ prior to each regular session of the legislature ~~((and biennially))~~ during an even-numbered year 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 during an odd-numbered year 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.

Sec. 46. Section 1, chapter 166, Laws of 1979 ex. sess. and RCW 90-03.247 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the state game commission, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the game commission, the energy office, or the department of agriculture from presenting its views on minimum flow

needs at any public hearing or to any person or agency, and the department of fisheries, the game commission, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first day of each regular session of the legislature during an odd-numbered year a report as to the implementation of its minimum flow setting program.

NEW SECTION. Sec. 47. Section 6, chapter 181, Laws of 1945 and RCW 2.48.120 are each repealed.

Passed the House February 26, 1980.

Passed the Senate February 19, 1980.

Approved by the Governor March 7, 1980, with the exception of Sections 3 and 4, which are vetoed.

Filed in Office of Secretary of State March 7, 1980.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval of two sections House Bill No. 1475 entitled:

"AN ACT Relating to legislative sessions".

Section 3 of this bill amends RCW 28A.41.020 which was repealed by Section 7(1) of SB 3406 (Ch. 6, Laws of 1980), and Section 4 amends RCW 28A.41.050 which was previously amended by Section 3 of SB 3406 (Ch. 6, Laws of 1980). It is clear that the earlier enactment is preferred, and therefore I have vetoed these sections to preclude the necessity of further action to clarify intent.

With the exception of Sections 3 and 4 which I have vetoed, the remainder of House Bill No. 1475 is approved."

CHAPTER 88

[Substitute Senate Bill No. 3133]

PRIVATE SCHOOL BUSES, LICENSE FEE EXEMPTION—DISABLED VETERANS, SPECIAL LICENSE PLATES

AN ACT Relating to the licensing of motor vehicles; amending section 1, chapter 178, Laws of 1949 as last amended by section 221, chapter 158, Laws of 1979 and RCW 73.04.110; adding a new section to chapter 46.16 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 46.16 RCW a new section to read as follows:

Any bus or vehicle owned and operated by a private school or schools meeting the requirements of RCW 28A.02.201 and used by that school or schools primarily to transport children to and from school or to transport children in connection with school activities shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided. A license issued by the department for such bus or vehicle shall be considered an exempt license under RCW 82.44.010.